

[Sh. Ram Singh Yadav]

being acquired, are marginal and small farmers. They have no other means of income, nor any place for shelter. These people would be displaced, if their agricultural land and residential houses are acquired.

I, therefore, urge upon the Minister of Defence, Government of India, that the Military Firing Range may not be set up within the revenue boundaries of these villages, and the notices issued by the district revenue authorities for acquisition of agricultural lands and residential houses, may be withdrawn.

11.25 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) BILL—CONTD.

[English]

MR. DEPUTY SPEAKER: The House shall now take up further consideration of the following motion moved by Dr. Rajendra Kumari Bajapi, on the 14th August, 1989, namely:-

"That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for the matters connected therewith or incidental thereto, be taken into consideration".

Shri Janak Raj Gupta to continue his speech. You take only three minutes.

[Translation]

SHRI JANAK RAJ GUPTA (Jammu): Mr. Deputy Speaker, Sir, I would like to congratulate the hon. Minister for bringing forward this Scheduled Castes and Scheduled Tribes Bill in the House. I would also like to congratulate our beloved leader and Hon.

Prime Minister who introduced this Bill in the House at an appropriate time for the betterment, welfare and protection of those poor and helpless people who are being subjected to various atrocities since long. In the connection I had raised a point the other day. I quite appreciate the proposal that hence forward nobody will harass the persons belonging to Scheduled Castes and Scheduled Tribes. Even then, I am apprehensive of the fact that there is no provision to take remedial measures if somebody harassed them. My suggestion pertains to sections 3 and 4 which *inter alia* read as follows.

[English]

"Whoever, being a public servant but not being a member of Scheduled Caste or a Scheduled Tribe, willfully neglects his duties required to be performed by him under this Act shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year."

[Translation]

I am afraid that the Bill is silent about the punitive measures to be taken in case if an officer harassed somebody belonging to Scheduled Castes and Scheduled Tribes. I feel that the Bill should have a provision to give punishment to every offender who harasses the members of Scheduled Castes and Scheduled Tribes irrespective of whether he is an individual or an officer. You are aware that before and after the achievement of independence our beloved Congress leader, Mahatma Gandhi made this effort and he was successful to a great extent. He endeavored to see that untouchability is done away with and nobody harassed the people belonging to Scheduled Castes and Scheduled Tribes. He preferred to stay in the houses belonging to Scheduled Castes only whenever he visited the villages. Thereafter, organisations like the Gandhi Smarak Nidhi were set up with a view to maintaining this environment and shedding the feeling that some one is touchable and the other is untouchable. Thereafter, Pandit Jawaharlal

Nehru, who always strived his best for the welfare of these people, took several steps to improve their economic condition and also to ensure that nobody committed any atrocity on them or harassed them.

Shrimati Indira Gandhi launched the 20 point programme with a view to improving the lot of these people and bringing them at par with other people. This programme proved highly beneficial to these people and improved their economic condition. She had a soft corner for them in her heart. That is why she nationalised the banks despite stiff opposition from opposition parties. She nationalised the Banks with a view to helping the poor and the downtrodden. She abolished the privy purse and developed the Harijan colonies so that they could progress economically. She ignored her personal comforts and came to their rescue. During the Janata regime, 20 Harijan were burnt alive in Belchchi. She reached Belchchi, after covering some distance on foot and the remaining on elephant back since there was no road communication to that place and the path was full of water. She enquired about their welfare, consoled them, and fought for them.

The spirit behind the Bill is very good. If we implement the Bill in the interest of the people I would say that the steps taken by our Hon. Prime Minister, are worth appreciation and in the right direction. The Prime Minister took these steps under the Jawahar Rozgar Yojana, and in the light of the provisions contained in the Panchayati Raj and Nagarpalika Bills. He visited colonies of these poor people and enquired from them as to what were their difficulties, what could bring them prosperity. He held discussions with the officials of the administration and thereafter took these measures. This scheme will improve their economic condition. When somebody's economic status improves, nobody can harass him nor he will himself tolerate the harassment. I congratulate the Hon. Prime Minister for this. I do not hesitate to say that this is the reason for opposition Members resigning their seats in the Parliament. They cannot face the challenge thrown

by the Hon. Prime Minister. I am sure that now the people will take care of them.

The word "atrocities" has been defined in this Bill. I want that something more should be done for the benefit of these poor Harijans and Adivasis and for protecting them from atrocities being committed on them by the big people. I would like to make a suggestion to the hon. Minister in this regard. When atrocities are committed on Harijans and they come to register a complaint, nobody comes forward to give evidence against the culprit. Nobody comes to the rescue of these poor fellows. I, therefore, want that atrocities committed on poor Harijans should be enquired into by a secret agency of the Government and the evidence produced by them should be treated as final. If necessary, the law may be amended suitably. Besides, the burden of proof should be left to the accused.

Secondly, there should be summary trial of these cases so that decision is taken quickly. There should be a time limit for this. I am sure that the proposed measures will improve the economic condition of the poor people in the light of the way the Bill has been drafted and assistance is being provided to them by the Hon. Prime Minister.

Often booth capturing takes place at the time of elections. Poor Harijans and people belonging to Scheduled Castes are not allowed to cast their votes. Recently, incidents of this nature took place in Haryana. It is, therefore, essential that these poor people should be provided fire arms and imparted training to operate them so that they could defend themselves. Not only that, poor Harijan's land is being encroached upon and they are being forced to eat inedible things. Stern action should be taken against this type of elements.

Finally, I would like to congratulate the Hon. Prime Minister and the hon. Minister, Shrimati Bajpai for bringing forward this Bill. I am sure that the poor people will be greatly benefited by it and the people who commit atrocities on them will come to understand

[Sh. Janak Raj Gupta]

their follies. Gone are the times when they used to escape after harassing the Harijans. I am very thankful to you for providing me time to speak.

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, this Bill has been brought forward in the interest of the Scheduled Castes and Scheduled Tribes. Earlier also there were provisions for the welfare of the members of Scheduled Castes and Scheduled Tribes, but these provisions were not implemented strictly. It is indeed praiseworthy that the word 'atrocities' has been well defined in this Bill. It reads:

[English]

"Whoever, not being a member of a Scheduled Caste or Scheduled Tribe—forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law."

[Translation]

But who will look into it?

At the time of general elections a booth is guarded by only a home-guard personnel with a small stick in his hand. The goonda elements do not allow the members of Scheduled Castes and Scheduled Tribes to cast their votes. The implementation agency is with the State Government. You have formulated the Bill, but how can you ensure that these people can cast their votes. It is in itself a big problem. The law is not automatically implemented when it is enacted. It will be a big achievement if you could ensure that 1/10th of the law has been implemented. The Bill further reads that:

[English]

"Institutes false, malicious or vexatious suit or criminal or other legal proceeding

against a member of a Scheduled Caste or a Scheduled Tribe."

[Translation]

It happens everyday? It has further been stated that:-

[English]

"Intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view."

[Translation]

The Bill further reads that:-

[English]

"Corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used."

[Translation]

People, who have a commercial background, can understand this point. Hand pumps are installed for Scheduled Castes and Scheduled Tribes. We write time and again and the Government forwards our applications to the Executive Engineer with the instruction to install hand pumps in Scheduled Caste and Scheduled Tribes colonies. The Executive Engineer says without any hesitation that he has no funds and how to install the hand pumps? Everybody knows what a high standard of life the Executive Engineer lives. There are instances in which water being used by these people is being fouled and they are not allowed to drink. You leave aside all the provisions and do the only thing of providing drinking water to the Scheduled Castes and Scheduled Tribes colonies in this Nehru Centenary year. It will solve half of their problems. I very often go around the villages. I found that people are clamouring for water. They take water for

drinking purposes from the very pond in which cattle are bathed, which people use as toilet and which is filled with large quantity of dirt. They take water from the very pond which causes Kalaazar, malaria, cholera and 50 similar other diseases. The Harijans take water from this pond. Hand pumps are not installed at the places they are supposed to be installed. It is my personal experience and I say with authority that hand pumps are being installed in caste Hindu colonies in the name of Harijans and the officials report that they have installed hand pumps in Harijan colonies. The only request that I would like to make is that you ensure installation of hand pumps and provision of drinking water to Harijans and also ensure that when the hand pumps go out of order drinking water is provided to these people.

**CH. SUNDER SINGH (Phillaur):** Please let us know as to where drinking water is not available.

**DR. G.S. RAJHANS:** It is not available in Bihar. One thing more that I would like to submit is that the Bill provides that stringent punishment will be awarded to the offenders. But how punishment will be awarded? Who will give witness? I have said it earlier also in the House that the goondaism has extremely terrified the people. Criminals are now found in every field viz. politics, business and legal profession. Under such circumstances who will come forward to give evidence in support of oppression of a Harijan, how the oppressor will be prosecuted and how he will be punished. In the current session itself, I asked a question in the House on this. My experience is that people rarely come forward in the fight which is in fact more between the haves and have-nots than between the higher caste and Harijans. Rich trample the poor and we watch as mute spectators. So, if 2-4 offenders are punished and their photographs are flashed on the Television and are also punished in the newspapers then the whole country will come to know as to who the offenders are and the nature of punishment being meted out to them. And then the people may socially boycott them. If this is done then it will be a

great achievement on our part to give them justice in real sense. Yesterday the Hon. Prime Minister rightly emphasised upon the need to deliver cheap justice to them. We should take initiative in this direction so that we may provide justice to the scheduled castes and the scheduled tribes. As far as atrocities are concerned, in Bihar, Jharkhand movement is going on as a result of lack of employment opportunities for the tribals. The casual jobs which are reserved for them are given to the people of other districts as a result of which the tribals are forced to resort to agitation. Therefore, only the tribals and the Harijans should be absorbed in the jobs reserved for them. All this is being done quite meticulously. Initially a person is engaged on casual basis and when he completes 5-7 years, no other person is recruited on that post saying that the main working on this post has nowhere to go. What I mean to say is that though our intention is good and we want to help the Scheduled Castes and the Scheduled Tribes, yet we should ensure that this facility is made available for them in the States also. If justice is not being done to them, the attention of the concerned State Government must be drawn towards this. No State Government should take it casually. In the event of extreme oppression, they join the ranks of naxalites. They do not have adequate job opportunities and also do not get humanly treatment. When they fail to bring about changes in the social system they do this as a last resort. Therefore, our social system is defective and there is a need to set it right.

Some time ago, a study on slavery existing in various parts of the world was conducted. The study reveals that slavery in the form of bonded labour still exists in India. Bonded labourers are mainly scheduled castes and scheduled tribes who are being forcibly kept as such from generation to generation. Despite all efforts, they cannot be freed. Other regions where slavery still exist are in Africa. Our intention is good and we have made the right beginning by taking initiative to provide quick justice to the oppressed and bringing culprits to book and punish them. Our intention is good and we

[Dr. G.S. Rajhans]

want to provide justice to the scheduled caste and scheduled tribes by giving them their due position and we shall translate it into reality. This is my only submission.

**SHRI RAM PYARE PANIKA** (Robertsganj): Mr. Deputy Speaker, Sir, I rise to support the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Bill, 1989. Sir, in the last five years, the Government has taken many steps for Scheduled Caste, Scheduled Tribes and other weaker sections and in my view, this Bill is both historical and revolutionary in spirit. Sir, the existing laws to check atrocities have been discussed frequently in the House from time to time and consensus has emerged that they are not so much effective to solve the problems. I would like to thank the Government, the Hon. Prime Minister and the hon. Minister of Social Welfare for bringing forward this Bill.

Sir, it is true that Government have been making continuous efforts for the last many years for the upliftment of the weaker sections. Ours is a democratic system and we also have opposition in our country. Two-three months ago a leader of the opposition threatened to launch an agitation if proper representation in services is not given to scheduled castes and scheduled tribes. I am happy to inform that the process of clearing the backlog was started by the Government two to two and half years ago. The decision in accordance to the wishes of the Hon. Prime Minister to clear the backlog was taken by the hon. Minister after several meetings and conferences on various occasions not only with scheduled castes and scheduled tribes, but also with MLAs and MLCs. The impact of all this has been very good and the people who are talking of the agitation have now realised that the Government does not merely make promises but also keeps them. Such is the character of the opposition in our country. In the hope of delay in this process, they want to launch an agitation. I want to thank the Government for its timely action which has made good im-

pact on the people. I would like to thank the Ministry for the present Bill which mentions all the points in objects and reasons.

There are many reasons for atrocities committed on Harijans and tribals. Due to the improvement in the social set up during 42 years of independence, the Harijans and tribal people have awakened and now they have started resisting oppression. People lacking humanity are still committing atrocities on them. I would like to thank the Government for the present Bill which covers all the aspects whether it be a dispute over land, untouchability, dignity of women or any other atrocity committed by the upper castes and the powerful people on Harijans and tribals. While introducing the Bill, the Government has admitted the ineffectiveness of the present laws to check atrocities.

I would like to say one thing that our ideology is clear and the intention of our Government is also good, but the implementation of these laws is the responsibility of the State Governments and they do not fulfil it. We enact the laws, but they are rarely implemented effectively. The fact was also corroborated by the hon. Member that the laws for the weaker sections are not properly implemented. The upliftment of harijans and tribals is the responsibility of the Central Government. So the monitoring cells should be set up at the district level instead of State level to keep a close watch on the atrocities in various areas on different sections, for the continuous flow of information. The Commissioner of Scheduled Castes and Scheduled Tribes provides all the details to the Government. Often the reports about the number of cases of atrocities on Harijans and tribals are embarrassing. The main reasons for these atrocities is often the refusal of S.Os of respective Police Stations to register F.I.R. perhaps adverse entries are made in the personal record of the concerned S.O. where more cases of atrocities are found as a result of which they refuse to register the complaints lodged by the Scheduled Castes and Scheduled Tribes. My submission is that there should be a provision to consider the application of Sched-

uled Castes and Scheduled Tribes as FIR and action should be taken thereon. It should be obligatory for concerned S.O. to take action on the application. The application forwarded by any public representative or submitted to the SP or any other officer should also be considered as FIR, so that Police Officers may not shirk their responsibilities.

I would like to give one more important suggestion as also pointed out by many other hon. Members that no one dares to give evidence in favour of Harijans or Adivasi at the cost of enmity with the powerful person. The need of the hour is to fix the responsibility of owns of proof on the offender as is in the case of crime again women. If this is not done then the purpose of the Bill will be defeated. In the case of report of atrocity, the guilty should be asked to prove his innocence. Even after 42 years of independence Harijans and Adivasis are still weak and are not strong enough to earn goodwill of the people and persuade them to give evidence. Therefore, a clause to prove innocence should be included in the Bill. I was first elected to the Uttar Pradesh Assembly in 1962, the year in which the hon. Minister also got elected. She is a kind hearted lady, I remember at that time how she formulated various schemes at her personal level for the welfare of the people of her constituency including tribals. We have been demanding for the last 10-15 years that those who have been left out should be included in the list of scheduled castes and scheduled tribes because atrocities are committed on them and they do not get any legal aid also. I would like to thank the hon. Minister for good work done by her during the last 3 to 4 years. It is also learnt that the said list has been cleared by the Cabinet. Anomalies should also be removed. Shri Motilal is present in the House. In his constituency, Biyar tribe is included in the list of scheduled tribes whereas in my constituency they are not treated as scheduled tribe. Tribal population is scattered over eight districts of Madhya Pradesh. Similarly the population of Panika tribe is 20 lakh of Bihar, Orissa and Madhya Pradesh are taken to-

gether. Today, to oblige an M.P., a particular tribe can be included in the list but that does not mean that injustice can be done with 20 lakh strong Panika tribe. This tribe should have been included when the Area Registration Bill was passed.

Shri Arvind Netam and other colleagues have demanded that Panika tribe in the entire State should be included in the list of scheduled tribes. If it is not done by the State Government, the Parliament which is the Supreme body has to decided as to which tribe has to be declared as scheduled tribe and which caste as scheduled caste. The State Government may agree to it or not but it is wrong that at one place a particular tribe is treated as scheduled tribe and at other places it is not. A pressure has been exerted on the Government and we have also taken several deputations to the Government in this regard. The list prepared by the Government can be amended if necessary. If it is not done in the current session, it can be done in the next session. The Government is capable to do so and can get it passed even in one day in the next session. There is no controversy over it. Several crores of poor people will come under the list of scheduled tribes. The hon. Minister is a tender-hearted lady and with the feeling, an implementing machinery may also be set up through this Bill. I am grateful to you for giving me time to speak.

12.00 hrs.

[English]

MR. DEPUTY-SPEAKER: I want to know the sense of the House. There is a long list of Members who want to speak. I want to know whether we can skip the Lunch Hour. If you all accept, we can skip the Lunch Hour and continue the debate.

MANY HON. MEMBERS: Yes, Sir.

MR. DEPUTY-SPEAKER: At the same time, I request you all to be very brief and take only 5 to 6 minutes each.

Shri Sunder Singh.

[Translation]

[Translation]

CH. SUNDER SINGH (Phillaur): The hon. Minister has presented a very good Bill in the House. The ideas of our Prime Minister in this regard are very clear. If the welfare of people could not be done during his Prime Ministership, then it can never be done. Several laws have been enacted by the Government for the welfare of the scheduled castes and scheduled tribes but they are not implemented properly. The Members of Legislative Assemblies and Members of Parliament should ensure the proper implementation of these laws and they should fight for this cause. We become Members of Parliament and say that Central Government should do this thing or that thing, but it is our responsibility, particularly of those Members who belong to scheduled castes and scheduled tribe communities. It is pointed out by the Members that scheduled castes and scheduled tribes are not recruited in the Police forces but they should themselves see as to why these people are not recruited in the police forces. Today in Punjab, D.S.P. and D.I.G. of the Police are Harijans. If harijans are not recruited in police forces in any part of the country, it is fault on the part of the Member concerned. The Members indulge in boasting only and ask the Central Government to do this thing and that thing.

[English]

No man can get his right through request. Rights are wrested from unwilling hands.

Mahatma Gandhi said:

"I do not want to be re-born. If I were to be re-born, I should be born as untouchable so that I may share sorrows and sufferings inflicted upon them. I, therefore, pray, if I have to be born again, I should not do so as a Brahmin, Kshatriya, Vysya or Sudra but Adi-Sudra."

I am very much astonished to listen that such and such atrocities have been committed on Harijans. What do you do at that time? Such incidents occurred in Punjab also. I tell you that people of the neighbouring village kidnapped a girl of our village. I offered drink to some persons of our village and asked them to kidnap their girls too. Hearing upon this, they immediately returned the girl of our village. Therefore, it is your responsibility and not of the Central Government. If an M.P. or M.L.A. belonging to Harijan community, cannot protect his people, he should be forced to quit his seat. We should take precautionary measures in the Harijan constituencies and should provide protection to them, I have asked the Prime Minister also that after thorough consideration some concrete steps should be taken in this regard. There should be no objection about it. If Harijans have their hold in any area, everything goes well there. When I was member of the State Assembly, I always advised those people who complained to me about the atrocities on Harijans and Adivasis that no one could help them unless they themselves raised their voice against it. All members agreed with me. Therefore, one must have the quality of leadership and similarly Harijans should also have their good leaders. People just stroll here and here and say that atrocities are committed on Harijans. I would like to say that whatever laws may be enacted by the Government, atrocities cannot be checked unless Harijans themselves come forward, raise their voice against it. The laws were enacted earlier also, but the real question is of their implementation. Whether it be a State Government or the Central Government, the implementation of laws is not possible without active cooperation of the people.

[English]

No man can get his right by request. Rights are wrested from unwilling hands.

[Translation]

One has to fight for his right and so long

as he does not come forward, this process of exploitation will continue. People say that injustice is being done but I would say that one should be so strong that no one could dare to do injustice to him. Merely blaming others will not serve any purposes, we have to boldly stand against injustice. I am surprised to listen that this law or that law should be enacted to check atrocities on Harijans, but so long as Harijans themselves do not stand against atrocities, no law can be effectively implemented. Harijans have to protect themselves and no one will come to protect them. Punjab is the worst terrorist affected State. I also suggest there that all Akalies, communists and other people should unite against the terrorism, only then this problem can be solved. Simply enacting laws will not serve any purpose. I am very much distressed to listen about the new laws. One should make suggestions about it only after thorough consideration. A number of laws are already there but the basic question is of their implementation and for this purpose the M.L.As and other representatives of Harijans should come forward. They themselves have to get these laws implemented and none else will come to help them. Harijans themselves have to fight for this. Without taking much time of the House, I support this Bill.

SHRI KALI PRASAD PANDEY (Gopalganj): Mr. Deputy Speaker, Sir, I support the Scheduled Castes and Scheduled Tribes (Prevention for atrocities) Bill brought by the hon. Minister in this House. Before expressing my views on this Bill, I would like to draw the attention of the House towards the existing laws. There are several provisions in the existing laws to prevent atrocities on Harijans. I think that the cases of atrocities on Harijan have shown downward trend due to the effective implementation of these laws. Even then judging the factual position of the prevailing situation, the hon. Minister has brought this historic Bill in the House for which both, the Prime Minister and Dr Rajendra Kumari Bajpai deserve congratulations. As has been said by Dr. Rajhans in the House, several laws have been enacted and forwarded to the States for implementation

but before reaching the district level these laws become handicapped. The provisions to prevent atrocities have been made in the Bill and they are good too but if we look at the already existing provisions made in the constitution or in the Indian Penal Code, we shall find that in a case of atrocities on Harijans, chargesheet has to be produced in the court within a maximum period of 90 days. But we have see that Police Officers take one year or one and a half year's time to produce chargesheet in the courts, as a result of which the cases are dismissed in the absence of proof or final report. I would like that provision dealing with the production of chargesheet within 90 days should strictly be implemented. Besides, the Bill should also ensure that chargesheets relating to incidents of atrocities committed on the harijans should be produced in the courts within a maximum period of 90 days. If this is done the cases of atrocities will definitely come down. Secondly, I would like that more courts should be set up at places where the incidence of atrocities are more and only then justice will be rendered in the real sense and the provisions of this Bill be implemented properly.

Sir, despite the existence of laws, more atrocities are committed on these helpless people because of delay in the settlement of cases and they are once again at the mercy of the very people against whom they had filed cases.

The incidence of atrocities are maximum in Bihar. The area, between Jahana-bad and Ranchi is the worst affected. The main problem is regarding land disputes. Land disputes are the major cause of atrocities and every day in situation is becoming more serious. In order to evade the land Ceiling Act, the big landlords get a few acres of land registered in the names of their harijan servants. Similarly, they register some more acres of land in the names of other backward classes. As these people are illiterate, they are not aware as to how much land is registered in their names.

Mr. Deputy Speaker, Sir, I have submit-

[Sh Kali Prasad Pandey]

ted many times earlier in this House and I have also given it in writing to the hon Minister that unless all these backward communities, which are at present deprived of the facilities, are included in the list of the Scheduled Castes and Scheduled Tribes, this problem will not be solved. For example, the State Government has recommended to the Central Government that the 'Tharu' tribe in Champaran should be included in the Scheduled Castes and Scheduled Tribes list. We have been waiting for the inclusion of that community but in vain. Similarly, if you look into the Scheduled Tribes list, you will find many disparities. There is disparity in the criteria adopted for including communities in the list of Scheduled Tribes. For example, the 'Gond' have been included in the list of Scheduled Tribes but the 'Goud' community has been left out. Just for the difference in pronunciation, this community of Bihar and Uttar Pradesh has been deprived of the benefits available to the Scheduled Castes and Scheduled Tribes. Just for the nasal sound, they have been so deprived. Madam Minister, you will be surprised to know that when the hon Member, Shri Krishna Pratap Singh wrote to the district magistrates of Sewan, Gopalganj and Chapra to know about the strength of the Goud community in these districts, the reply was that this community has not been included in the list of the Scheduled Tribes. This means that there are no Scheduled Tribes in my district. But the most surprising fact is that the petrol pumps in these districts are sanctioned in the names of the people of this community. If there is no adivasi population in any of these three districts, how could these petrol pumps be sanctioned in their names? When we ask about the number of adivasis living in these areas, we are told that this community is not included in the list of the Scheduled Tribes. How is it then that petrol pumps are sanctioned in their names? As per the policy of the Government, petrol pump agencies are sanctioned to the Scheduled Castes and Scheduled Tribes so that their standard of living improves. But in reality organised groups of influential people are

getting petrol pumps sanctioned in the names of Scheduled Castes and Scheduled Tribes. Therefore, despite the aforementioned policy of the Government, the Scheduled Castes and Scheduled Tribes do not have even a single petrol pump in their name today. Agencies are sanctioned in the names of these people without their knowledge. Land is registered and money is deposited in the banks in their names but these poor people are completely unaware of it. They are ignorant of the fact the petrol pumps are functioning in their names. But when one wants to know about the strength of the Scheduled Castes and Scheduled Tribes in these districts, the district collector replies that no one belonging to these categories in his district. This kind of fraud has been going on there earlier also.

SHRI KRISHNA PRATAP SINGH (Maharajganj) Kindly give an example in support of your contention.

SHRI KALI PRASAD PANDEY There is no need to give examples because I have already written to the vigilance Department and I hope that the Ministry of Petroleum is carrying out necessary investigations. I am not referring to any particular individual. You go to Saran district and even Patna and see for yourself. In fact, I can challenge that petrol pump licences been issued in the names of Scheduled Castes and Scheduled Tribes without their knowledge throughout Bihar. These petrol pumps are operating in their names but they know nothing about them. So far as the setting up of special courts is concerned, a special court at Hazipur was set up in which cases relating to Harijans and weaker sections living in the district were registered and dealt with. However, the harijans residing at Gopalganj and East Champaran, who have to cover 150 miles to take advantage of this court, suffer lot of hardships. I would like to request that a cell headed by an officer of the rank of an Inspector or SHO should be set up at every district headquarter which should look into the cases of atrocities and take action accordingly. Shri Rajhans has rightly pointed out that the adivasis residing in Ranchi and elsewhere

are not getting wages as per the minimum wage Act. When a law is made, it should be first ensured that its benefits reach the people. The illiterate should also be familiar with the different provisions of laws enacted for their welfare. Provisions should be made to ensure that local M.L.As and M.Ps are associated with the committees set up in the district headquarters. The Hon. Prime Minister has taken a very good step by initiating the Jawahar Rozgar Yojana. Panchayats should be made responsible for any atrocities against the Harijans and the Sarpanch should be asked to improve the position. In this way we shall be able to check oppression of Harijans to some extent. I congratulate the Hon. Prime Minister for introducing such a historic Bill whereby it will be possible to prevent atrocities on Harijans and Advasis.

[English]

DR. PHULRENU GUHA (Contai): Mr. Deputy Speaker Sir, I thank Dr. Rajendra Kumari Bajpai for bringing forward this Bill. I extend my full support to this Bill.

I feel extremely sorry that this type of Bill is necessary at the end of the 20th century—it is very regrettable. The so called high-caste people and the land owners are the main culprits for atrocities on Scheduled Caste and Scheduled Tribe people. This is a good Bill in so far as prevention of atrocities are concerned. But there is no mention of the action on police officers. There must be some provision by which the guilty police officers are dealt with proper punishments.

It is really a very sad situation that inspite of the constitutional protection of SC and ST people, the country has been unable to curb the atrocities on SC and ST people. Here I would like to say that women are the most sufferers amongst the SC and ST people in these atrocities.

It is very welcome that a provision has been made to rehabilitate the victims of atrocities. The quantum of rehabilitation and compensation must be decided by the Union

Government; otherwise it will differ from State to State. Unfortunately untouchability still exists in many places. Vigorous work for the removal of untouchability is very much needed. Unless the attitude of people of all categories is changed, only a Bill will not solve this type of problem. It must be admitted that socio-economic condition and illiteracy among SC and ST people are responsible for these atrocities to a great extent.

Land is another main cause for atrocities. It is also the fight between the 'haves' and the 'have-nots'. Nobody dares to commit any atrocities on the Scheduled Castes and Scheduled Tribes who are educated and who are quite well to do. It must be admitted that the Scheduled Castes and the Scheduled Tribes are becoming conscious and they want to establish their rights. But whenever they want to establish their rights, the powerful section becomes active and they take advantage of their position and this is also one of the causes for atrocities. The Bill is very much welcomed. But socio-economic condition and education among the Scheduled Castes and the Scheduled Tribes must be improved. The improvement is necessary not only for men, but also for women because, as I have said already, no doubt, the women are the most sufferers. When the whole Scheduled Castes and Scheduled Tribes are economically and educationally on par with the other communities, then they are equal to the mainstream and then the land-owners or the high-caste people will not be able to do injustice to the Scheduled Castes and the Scheduled Tribes. I look forward to a society in India where all people will be treated equally; there will be no difference between the Scheduled Castes and the other castes at all; and there will be no have-not in the country.

I sincerely hope that the implementation of this Bill will be done properly. I am sorry to bring to the notice of the House that many Bills are passed in this House, but because of the lack of proper implementation, proper relief could not be given to the people

With these words I support the Bill wholeheartedly.

[Translation]

SHRI RAMSWAROOP RAM (Gaya): Mr. Deputy Speaker, Sir, while supporting the Bill presented in the House to check atrocities on Harijans, I consider it a historic Bill. This Bill should have been brought very early. Lot of discussion has been done in this House on this subject and the Central Government has suggested many steps to the State Governments in this regard, be it any State Government. It is sad that none of the State Governments have implemented those measures and day-by-day the incidents of atrocities have increased.

I would like to submit to the hon. Minister that in my view, there are five major causes for atrocities on Harijans. First is land dispute, second is social exploitation, third is economic exploitation, fourth is tension arising out of untouchability, and fifth is social and political awareness generated among the poor people recently.

60 per cent of the cases are related to land disputes. Land has been allotted to the landless people by the Government under 20-Point Programme. Lease Orders have also been issued to them but they are not told which plot belongs to them. If you see the figures, you will find that there is no land dispute in Bihar, and land reforms have been fully implemented but actually not even 25 per cent people have got possession of land. The land reform campaign was started in the year 1975 and since then the poor people are running from pillar to post with those lease orders. When these poor people demand their right, they are threatened by the police. I come from Central Bihar. No other part of our country has witnessed as many incidents of atrocities as Jahanabad, Gaya, Aurangabad, Navada or Palamau in Central Bihar. Thousands of graduate and post-graduate youths of these areas, are detained in the jails of Gaya, Navada and Aurangabad in Bihar.

Just now, Shri Panika said that F.I.R. is not registered by the police even in genuine cases. Police is meant for the protection of

poor people, but if the police works in connivance with the land owners, how can it protect the poor people. The Government had said that the matter of atrocities on Harijans and Adivasis will be dealt by the Centre. I have no hope from the State Government. The reason is that the State Government has not been able to protect the poor people. The intention of the Central Government is good and it wants to set up a society which is free of exploitation and where everybody gets equal opportunities. But it is not possible to do it while sitting in Delhi because the Government cannot judge what is happening in Gaya, Jahanabad and other parts of Bihar.

The issue of summary trial and special courts has also been discussed here. As such it is a very historic and radical Bill, but when it would be enforced, it would be ineffective. Then an amendment Bill will have to be brought. Therefore, my suggestion is that the places where atrocities on Harijans are committed should first be identified and they should be declared as disturbed areas. They should be given protection from the Central administration, otherwise the purpose of this Bill will be defeated. The State Governments will not be able to ensure proper implementation of this Act, therefore the Central Government should take the responsibility of its implementation. We have full faith in the Central Government and in Shri Rajiv Gandhi and so do the Harijans throughout the country. The Hon. Prime Minister has said this, time and again that middlemen will be eliminated. He has admitted that the funds meant for Harijans, do not reach them. Earlier, Harijans, and Adivasis were uneducated but today there are at least some graduates and post-graduates in every Harijan village. The Central Government has educated and enlightened them and asked them to fight for their rights, fight against untouchability, fight for land, and social upliftment. When the educated youths of the village fight for their rights, they are branded as naxalites. I would like to submit that there are no naxalites or persons belonging to R.P.F. in the Central Bihar. Every youngman wants to come into the national mainstream and live peacefully but he is sandwiched between feudalism

and police. I would like to narrate an incident that happened in Aurangabad. About 125 persons gathered in the house of one Birju Mistry and held a meeting. The matter that was being discussed was of minimum wages. Some one who was either part of the feudalistic system or habitual of committing atrocities on Harijans informed the police that a very big meeting was being held in the house of Birju Mistry. The police went there and without any verification, opened fire in which 6 persons were killed. This is the situation. How do you ask us to unite? The Government has assured that special courts would be set up. But if we go to those special courts, we will be way laid and if we unite, we would be branded as naxalites. The poor people of the area are now ready to oppose the atrocities and they have united socially. They are not against the Congress. Had it been so the Congress would not have won so many seats in Central Bihar. They have always voted for the Congress. In Gaya district, only one seat is with the Lok Dal and the rest of the seats are with the Congress party. In our country, 90 percent population is of poor people and 43 percent is of labourers. Had these people been against the Government how could so many candidates win and be elected? People vote for the party but they are not being recognised. Today, one thousand educated youths are detained in jails in Gaya because of naxalite movement. Therefore, I would like to request the hon. Minister that a special team of the Central Government may be sent to the various jails of Bihar and a survey report prepared on the number of innocent persons that have been imprisoned in these jails. These persons should be released on the birthdays of Mahatma Gandhi, Pandit Jawaharlal Nehru, Shrimati Indira Gandhi and on Shri Rajiv Gandhi's birthday which falls on the 20th of this month. I will not make a request for those who are guilty. But directions should be issued immediately to release these innocent youths from the jails, after the verification of character.

My third point is regarding drinking water. Shri Rajhans has rightly said if you see the figures regarding drinking water, you will no

find any Harijan village without drinking water. But I would like to inform you that when I went to my constituency, alongwith an M.L.A. of the area—I do not want to mention his name—the position was entirely different. The Government of Bihar has authorized the MLAs to install 10 hand pumps in every panchayat. One Harijan came there and requested by installation of a hand pump. I want to explain the situation so that you may understand that assistance is not being provided to the needy persons. When I asked the M.L.A. to install a hand pump in his house, he said that the quota had already been exhausted. In the meantime, another person came there and said that a hand pump has been installed in his compound but the lady of the house wants a hand pump to be installed inside the house, so this is the situation. The funds of the Government of India, and Bihar Government are not being utilised properly. There is lot of contradiction. Therefore, I would like that instructions should be issued to the District Magistrate for making arrangements of drinking water so that things improve in the villages.

I hail from the Jahanabad constituency. Lot of atrocities are committed on Harijans in that area. I have found that mostly atrocities on Harijans are committed in predominantly to Hindu villages. Not even a single case of atrocity on Harijans has been reported from any village in Bihar inhabited by muslims. If the Government is not able to check atrocities on Harijans, they should be rehabilitated around the Muslim villages or in large groups so that they could feel safe and secure in Jahanabad. This type of atmosphere will have to be created, otherwise they will be left at the mercy of killers.

With these words, I would like to demand that clear decision should be taken after going through the facts in this regard. This is my suggestion.

With these words, I support this revolutionary Bill.

SHRI JAGANNATH PATTNAIK (Kalahandi): While welcoming the Bill, I

[Sh. Jagannath Pattnaik]

would like to say that it is a matter of shame for the country that this Bill had to be brought after 42 years of Independence.

Sir, atrocities committed on the harijans can be checked only by ensuring their economic development and we should think over it. Ours is an ancient and prosperous country. Though the people belonging to different castes and speaking different languages enjoy equal rights here, yet our original culture is vanishing in this feudalistic and imperialistic system. During the freedom struggle, Gandhiji started a social revolution to abolish practice of untouchability. Theoretically and practically he gave them the status of God. But what is their condition today. On the one hand, the Government is endeavouring to bring political awareness and economic development among them and on the other hand, feudal elements continue to hold them as bonded labourers. Now these feudal elements have realised that they cannot suppress this revolution, but even then they hatch conspiracy against it. They know that the feudal system will not last long if the economic condition of Harijans is improved and if they start demanding their rights. So they deliberately commit atrocities on Harijans.

It is a matter of regret that the custodians of constitutional machinery legal system, the police, the judiciary and the bureaucracy do not perform their duties in the right spirit. Whenever a Harijan or adivasi complains to them about the atrocities committed on him, he does not get justice from them. So far as their security is concerned, police does not take it seriously and no other person of the society comes to their help. This is what is happening today. Keeping this situation in view, Shri Rajiv Gandhi has launched Jawahar Rozgar Yojana for the economic and social development of the Scheduled Castes and Scheduled Tribes and provision has been made to provide them constitutional protection so that they may become full partner in the national development. For this purpose Special Fund

has been created and Tribal Sub Plan and Special Component Plan have been set up. To ensure social and constitutional protection in the present social set up apart from their representation in the Assemblies and Parliament, arrangements have been made for their representation in Panchayati Raj institutions and in Nagarpalikas also, which is a revolutionary step.

Besides, it has to be seen as to how it will be implemented. Many laws had been enacted earlier also, but they are not being implemented properly. Therefore, I would like to give some suggestions. Besides, setting up special courts, summary trials should also be held. Social security of Harijans should be the responsibility of all the citizens. If atrocities are committed on Harijans, those people, who do not protest against it, should be held socially and morally responsible. Full compensation should be paid to the victims. Every Panchayat or the revenue unit should be asked to impose collective being on the people a portion of which should be paid to the victims. Similarly, a person who has been convicted in a case of atrocities on Harijans, should be disqualified for contesting elections.

In the end, I would like to submit that today it is a challenge to our politicians, the educated and the youth of our society. If we could not generate a feeling of brotherhood in the society and enforce these laws, we would not be able to provide economic, social and legal protection to the Harijans and Adivasis. Many new schemes being launched, Nehru Birth Centenary is being celebrated this year and 42nd Anniversary of national independence is also being celebrated in the country and on such occasions, incidents of atrocities are a matter of shame for all the citizens of the country. Therefore, a call should be given to all the countrymen to take this task as a challenge and accomplish it.

SHRI RAM SINGH YADAV (Alwar): Mr. Deputy Speaker, Sir, I support the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill, presented by Dr. Ra-

**Jendra Kumari Bajpai.** Our Hon. Prime Minister Shri Rajiv Gandhi who is taking keen interest in preventing atrocities on Harijans and Adivasis has brought this Bill. It is a new record in itself. It has been brought to bring about social equality among the people.

Sir, as you know the year 1989 is being celebrated as the Birth Centenary Year of our first Prime Minister Pt. Jawaharlal Nehru. Efforts were made by Pt. Nehru to provide social, economic and constitutional justice to the Scheduled Castes and Scheduled Tribes. It has been mentioned in the Preamble of the Constitution of India that it will secure social, economic and political justice to all its citizens. The word social has been given the foremost place because first of all social equality is essential for the citizens of the country. The discrimination being done with the poor, the Scheduled Castes and Scheduled Tribes or the social evil like untouchability can be removed from the society only when there is social equality. Dr. Rajendra Kumari Bajpai, who presented this Bill in compliance of the wishes of our Hon. Prime Minister Shri Rajiv Gandhi, deserves to be congratulated. The hon. Members of this House and the entire country knows that Dr. Bajpai is in true sense a godness incarnate. Her efforts for the welfare of the poor will always be remembered in history. The credit of presenting this Bill in the House to prevent atrocities on Harijans also goes to her and the Hon. Prime Minister Mr. Deputy Speaker, Sir, it is also commendable that you have allowed a discussion on this Bill in the House on behalf of the Speaker. The Opposition Members claim that they are the supporters of the poor and want to provide justice to them by enacting such laws. They were aware of it that the Hon. Prime Minister and his Cabinet colleagues have decided to bring these Bills in the House, but their absence and resignations from the House clearly indicate that they do not want to cooperate with the Parliament in fulfilling its duty towards the poor, the Scheduled Castes and the Scheduled Tribes. It is known to the entire nation that there is a great difference between the profession and practice of the Opposition. The period of reservation made

in the Constitution for the Scheduled Castes and Scheduled Tribes was about to end during the Janata regime when Morarji Desai and Charan Singh were heading the Government from 1977 to 1980, but they deliberately did not extend the period of reservation on that occasion. I was elected to the Lok Sabha for the first time. Keeping up that tradition, our Hon. Prime Minister Shri Rajiv Gandhi stated in his speech yesterday from the Red Fort that he had learnt only one lesson from his mother, i.e. to make sacrifice for the sake of the country and to work for the welfare of the poor. He has proved through this Bill that he really wants to do a lot for the welfare of the Scheduled Castes and Scheduled Tribes. I would like to thank Dr. Bajpai for making provision in this Bill for punishment to the offenders who commit atrocities. Now they will not be able to get probation under Probation of Offenders Act 1958 and Criminal Procedure Act 1960. Now they will not go scot free any more. I would like to thank the hon. Minister, particularly for making this provision in the Bill. The services rendered by the hon. Minister for the people of this section of society are really commendable. There are still many castes which have not been included in the category scheduled castes and scheduled Tribes. There is a community known as 'Jogi' in Rajasthan which should be included in the Scheduled Castes and Scheduled Tribes list. This list should therefore, be reviewed and the communities which have been left out should be included in it. Till 1968, there existed a scheme under which Central Government scholarships were awarded to the children of the Scheduled Castes, Scheduled Tribes and other backward classes. The Government should examine that scheme and revive it so that scholarship facility and the assistance in the form of books etc. may be available to the weaker sections also. These people are also facing housing problem. They are allotted houses in the dirtiest and the most unhygienic parts of the city. In this connection, the Government should take steps under the National Housing policy to provide housing facilities to the Scheduled Castes and Scheduled Tribes. Under the Crown Act, people of these communities residing on cities should

[Sh. Ram Singh Yadav]

be granted lease to confer ownership rights of the land and at least 25 per cent of the plots and houses in the new colonies should be reserved for these categories and allotted to them. In the rural areas also these people have to face considerable hardships in regard to housing. In order to deal with this problem land should be acquired and handed over to the Gram Sabhas so that they may build houses for these people

SHRI MAHABIR PRASAD (Madhepura): Mr. Deputy Speaker, Sir, I heartily welcome the Bill brought for the prevention of atrocities on Harijans and Advasis. I would even say that if the quantum of punishment to check the atrocities on the weaker sections is required to be increased, there should be no hesitation in making such a provision in the Bill. If we look at the history of Indian culture and civilization we shall find that there is no need to make this kind of a legislation. Our ancient sages like Ved Vyas, Valmiki, Vashishta, Parashar were all Harijans but they earned reverence because of the penance they had performed.

'Tapso brahmana pat ah, jatir nama neh karaneh'.

In the present century, there were people like Dr. Ambedkar and Babu Jagjivan Ram. The latter was fondly addressed as Babuji by the masses of India. Dr. Ambedkar is known as the 'Manu' of Indian legislature and he was the Chairman of the Committee which prepared the draft of the constitution. Unfortunately, this country is being forced to face a situation under which it has become essential to bring such an exhaustive Bill. It is a fact that in the 'Dwapar' era Dronacharya demanded the thumb of Eklayva as 'Guru Dakshina' but it is also true that Shri Ram ate the pre-tasted berries offered by Shabar. This struggle for maintaining disparity and to establish equality has for long been a part of our history and culture. I, therefore, support the Bill brought into this House and while welcoming it wholeheartedly, I would like to urge upon Shrimati Bajpai, and I would also

like to bring it on record, that I have no ill-feelings towards my Harijan brothers. But, I would like to relate my own experience in regard to misuse of law. Disputes often take place in the rural areas. In one such case, in January, a group of people bribed a Harijan to file a case of atrocity against a particular non-Harijan. Thereafter, the person against whom the case was filed was arrested by the DSP and the sub-inspector. The arrested man was a retired Head Master and an old friend of mine. After his arrest, his son approached me and told me that a case had been instituted against his father and that he was in police lock-up. I went to the S.P. directly and requested him to get an enquiry conducted into the case if there was any substance in the charges and that I was prepared to stand surety for his bail. I told him that man concerned would be present himself as and when required and that no one should be detained without due investigations. On hearing my appeal, the S.P. called the sub-inspector and enquired about the sections under which the case was instituted against that person. The sub-inspector replied that the said case was instituted under sections 379, 436 and 352. Section 379 is connected with theft. When was asked about the details of the theft, the sub-inspector replied that an old box containing a tom sarae was stolen. The second section related to arson and when the details were asked in this regard, the sub-inspector replied that a small hut was set on fire. When he asked if other houses adjoining this hut were also affected, the reply was that only the small hut was gutted by the fire. Thereafter, when the S.P. asked as to how section 307 which deals with attempt to murder was invoked, the sub-inspector replied that this section was attracted because the Harijan was hit by an arrow which tore his shirt. In this way, section 307, 436 and 352 were invoked. The case was finally confirmed by the S.P. and filed in the court. As the case was connected with atrocities on Harijans, it was revived by the court. Therefore, I want to submit that efforts should be made to prevent the incidence of atrocities. It is a fact that as Shri Ram Ratan Ram was saying yesterday that cases relating to atrocities commit-

ted on Harijans are not registered in the Police Stations. On the other hand position today is that a man going to the temple prays to God to be loan next time in a Harijan family or as a female. I know that all the S.Ps., S.H. Os and D.Ms are not non-Harijans. There are 7 blocks in my area out of which 4 blocks have Harijan sub-inspectors. It is not correct to say that all sub-inspectors, S.Ps, D.Ms are non-Harijans. Now this contradiction is very intriguing. On one hand, the Harijans are lamenting that atrocities are being committed on them and on the other, the non-Harijans are praying to God to be loan in a Harijan family or as a woman. I have asked several times as to why do they aspire to become Harijans and they replied that they did so because these categories got preferential treatment in regard to promotions, employment etc. When I asked as to why do they want to become women in their next birth they replied that it was so because the women wielded all the power on the domestic front. Therefore, I said that in order to effect social development these points have to be kept in mind. There is inherent conflict between environment and organism. Every country has its own individual history and geography. Under such circumstances mere passing of legislation will not help as much as the existence of harmonious relations in the society. Harmonious relations between different castes and communities would bring about all round development in the society.

13.00 hrs.

I was pointing out that the clash and conflict in the society can be done away with by ushering change in the social environment. Statutes cannot help to the extent that social changes can.

Mr. Deputy Speaker, Sir, I would like to draw the attention of Madam Bajpai to another point. There is a provision of punishment for the person who forcibly occupy land of Harijans but what about the provision of punishment for those Harijans who occupy land of non-Harijans? This is a vital question. Legal action can be taken against those who occupy the land belonging to Harijans but

are there similar provisions in cases where the Harijans are the culprits? I am not making this point without any basis. I have information about the occupation of 700 bighas of land belonging to non-Harijans by Harijans and Adivasis. This is a clear case and that is why I would like to know as to what provisions exist to solve a case of such a reverse situation. There exists 'equality before law' which means that law does not discriminate between a Harijans, Girijan and a non-Harijan. I would like to suggest that attention should be paid to these points. If the gap between Harijans and non-Harijans is not bridged, such laws would further widen the gap and the problem cannot be solved. Social and cultural reforms have to be brought for this purpose.

Mr. Deputy Speaker, Sir, with those words I would like to conclude and thank you.

KUMARIKAMALA KUMARI (Palamau):  
Mr. Deputy Speaker, Sir, first of all I thank you for giving me an opportunity to express my views on the Bill introduced by the hon. Minister Shrimati Bajpai which relates to atrocities being committed on scheduled castes and scheduled tribes.

13.03 hrs.

[SHRI VAKKOM PURUSHOTHAMAN *in the Chair*]

Mr. Chairman, Sir, I have listened to the views of all the hon'ble Members of the House quite attentively and I would like to say a few words on the basis of my experience for the last twenty years in this House. There is no doubt that our Government have always been following a policy for the upliftment of scheduled castes and scheduled tribes, strict laws have been framed and every possible effort has been made to improve their lot. But after the laws are enacted by central Government, they are to be implemented at the state level and finally at block level. We have ourselves observed that they are not implemented effectively at the block level. On the basis of my 20 years

[Kumari Kamla Kumari]

experience I would like to submit that I belong to the area where majority of the population constitute scheduled castes and scheduled tribes. We have observed that there is no improvement in the economic, social and political conditions of these people. I belong to Palamau where a large section of the population belongs to Harijans and Adivasis. I visit once or twice a month those rural areas where 80 per cent people are living below the poverty line and most of them belong to scheduled castes and scheduled tribes. I observed that even water facilities are not available to them while the Government of Bihar have given assistance for the installation of ten tubewells to each legislator. At several places tubewells have been sunk but at other places where the total inhabitation does not exceed ten houses, tubewells have not been sunk properly and at such places there is no provision of drinking water. So far as dealers are concerned, our Government always try to provide foodgrains at cheaper rates to them, but the people belonging to higher strata purchase the foodgrains and consequently the people of scheduled castes and scheduled tribes, who actually deserve, are deprived of cheaper foodgrains. The dealers with the connivance of certain officials also indulge in bungling. In this manner the benefit of policy of our Government does not reach the deserving people. Secondly, as has been pointed out by some hon. Members that although land has been allotted, and slips have been issued in the names of Harijans yet most of them do not know the exact location of their land. In some cases the land is still in occupation of other persons. The land acquired because of excess of ceiling has not been given to them. They cannot do anything on their own because they do not possess any evidence as such and cannot effort to approach the court of law because of lack of resources.

Similarly there are a number of political and economic problems. Earlier there was an impression that the students in colleges

or schools receive their scholarships through cheques from banks or post-offices, but it has been revealed now that in most of the schools the teachers or staff get the signatures of the students and made part payment to them and keep major amount with themselves. In certain cases they took the entire amount. In this way, though the Government have been following a good policy yet the students have been deprived of the benefits. This thing should be looked into.

Mr. Deputy-Speaker, Sir, one thing is of utmost importance towards which I would like to draw the attention of Shrimati Bajpai. The Government should find out the causes of people becoming Naxalities in South Bihar. I have passed MA in psychology. As a result of psychological study I find that mostly those people are victimised who belong to scheduled castes and scheduled tribes. Most of the youth whose brain is full developed but who are deprived of employment and the women folk of their families are exploited by influential people, they are not paid their legitimate wages, they can neither make both ends meet or they get any land to construct a shelter.

[English]

MR. CHAIRMAN: Only three to four minutes are given to each Member. Please conclude.

[Translation]

KUMARI KAMLA KUMARI: With these words, I thank you.

\*SHRI K. KUNJAMBU (Adoor): Mr. Chairman, I wholeheartedly support this Bill. I believe that this Bill will enable the Govt. to stop atrocities against Scheduled Castes and Scheduled Tribes. This is a very bold step. I take this opportunity to congratulate the Hon'ble Prime Minister and the Hon'ble Minister for Welfare for bringing it. This Bill proves that the Govt. is very keen about solving the problem of Harijans.

In the statement of objects and reasons of this Bill, it has been stated that atrocities against Harijans are on the increase. There are historical as well as other reasons for this. In answer to a question in this House last week the Govt. had conceded that in all the States of India atrocities against Harijans are increasing of late. In some states these have increased three time or even four time. All this points to a very serious situation. The basic question is whether the harijans can live with honour and dignity. Even after 42 years of independence if the harijans in this country do not have a sense of security the responsibility for this lies with the Indian society. The fact is that the Indian society is not yet prepared to accept the harijans as its own part. It is highly regrettable. It is also a fact that the high cast people are opposed to the harijans getting educational facilities, reservation facilities and so on. They create an opinion in the society against the various facilities being given to the harijans and thus create a tendency to hate them. The Bill itself says that the new awakening among the harijans and the awarness about their rights have caused the caste Hindus to hate them. There are new methods of atrocities and humiliations. In the past the feudal lords used to thrash them with canes. But in the progressive age, in the democratic age it is the socalled progressive people who commit the maximum atrocities on Scheduled Castes and Scheduled Tribes. I will prove it by a few examples from my own state of Kerala. Kerala is under a Marxists dominated Government. It is the youth wing of the Marxists Party which is committing atrocities on the Harijans. During the past two years many cases of atrocities including rape of harijan women have been reported. In my own constituency, in a village called Pavitraswaram in the Naduvattur assembly segment a harijan boy was mercilessly beaten by the police and after that he was stripped naked and made to run in the street naked. In Trivandrum a harijan youth was beaten up and he was made to eat human excreta. Similarly, in Emakulam another harijan boy was taken to the police station where the police officials beat him up cruelly and when he became thirsty and asked for water, urine was put

into his mouth. These cases were brought to the notice of this House by Members of Parliament from Kerala last year. Many representations were made to the Govt. The harijan organisation in Kerala organised picketing and satyagarha but Shri Nayanar, the Chief Minister of Kerala, who belongs to the CPM did not take any action against the culprits. I would like to request the hon'ble Minister to tell us while replying to the debate what happened to the investigation done by her Ministry into these cases.

[English]

SHRI T. BASHEER (Chirayinkil): In my constituency, Chirayinkil Police Station the same thing has happened.

An officer from your Department came to Kerala and enquired into the charge that were made. I am told that a report has been prepared. We would like to know the findings and what action Government has taken.

MR. CHAIRMAN: You have only five minutes. Please conclude.

[Translation]

SHRI K. KUNJAMBU: Coming to the Bill I must say that the most important feature of the Bill is that it defines the word 'Atrocity'. It is a very wide definition. A wide span of offenses will come under this definition. I find that even insulting words under this definition constitute atrocity. This is quite welcome. With regard to penalty I have a suggestion to make. The Bill provides for a minimum punishment of six months and maximum of 5 years. This is a penal law and it has been brought to give protection to people who are oppressed. I would, therefore, suggest that the minimum punishment should be raised to atleast one year.

Another important provision is with regard to the setting up of special courts. This is a very welcome step. I have a suggestion to make in this regard too. The Govt. should appoint harijan judges to these special courts as far as possible. In our country

[Sh. K. Kunjambu]

the number of judges belonging to Scheduled Castes and Scheduled Tribes in the higher judiciary is negligible. According to the statistics there are 388 judges in the various high courts of India. Out of them only 8 judges belong to Scheduled Caste and 2 belongs to Scheduled Tribes. Therefore, there is a strong case for appointing more judges belonging to these categories to the special courts.

I do not want to prolong my speech. I once again extend my wholehearted support to this measure. Before I conclude I want to make one suggestion. Whenever a Harijan woman is subjected to rape the culprit should be handcuffed while taking him to the court. That will be a lesson for others. With these words I conclude.

[English]

SHRI BIPIN PAL DAS (Tezpur): Sir, I am very glad that the Government has brought this Bill before this House. It has been a right step. The objective of this Bill is to end the atrocities committed on Harijans and Adiwasis. I congratulate Shrimati Bajpai Ji personally for bringing this Bill to the House, and support this Bill wholeheartedly.

I would like to take this opportunity to raise a very serious matter. A development has taken place in Assam, particularly in my constituency. Everybody knows in this House and in this country about the Bodo movement in Assam. I am not going into the history of that movement. The Bodos are a very important tribal community in my State. The Government of Assam, unfortunately, treated this movement of the Bodos as a law and order problem. As a consequence, police was let loose to commit atrocities on the tribal people, including women and children, and lot of things happened. I am not going into all those details. Perhaps the Chief Minister, Mr. Mohanta and the Home Minister, Mr. Phukan were jealous of Mr. Upen Brahma, who is the leader of this movement, because Upen Brahma happened to be their

erstwhile colleague during the Assam movement, functioning from the same university quarters at that time. They are perhaps a little jealous of him and therefore, they tried to apply the police method to suppress and control this movement. The consequence was disastrous. The situation was more aggravated and it was not confined only to Kokrajhar and Udalguri but spread from that area to the neighbouring district also. Large-scale destruction has taken place. Large-scale violence has taken place from both sides. I must make it clear that I am totally opposed to violence committed by any side, whether by the Bodos or by the police. I am also totally opposed to any further division of Assam. That I must say very clearly. But this is not the way to treat a tribal problem. This is my point.

At last, due to public pressure and due to press pressure, everybody demanded some negotiations and ultimately the Home Minister kindly intervened in the matter. It has now been decided that the first round of tripartite talks will be held on the 28th of this month and I am very glad that Mrs. Bajpai will represent the Government of India in those talks. Since I know her very well, I am confident that through her mediation, some kind of a peaceful solution will be found to the Bodo problem.

While matters were moving in the right direction, a terrible development took place in Gohpur area of Sonitpur district in my constituency, far away from Kokrajhar and Udalguri, which are the hot-beds of this agitation for some time. In this incident that took place a few days ago, large-scale massacre of Bodos and non-Bodos has created a very grave situation. According to my information, about two hundred men, women and children are reported to have been killed, hundreds of houses have been reduced to ashes, about thirty-three villages have been razed to the ground, and thousands of people have fled from their homes to take shelter either in Arunachal Pradesh on the north or on the National Highway and the railway track on the south. According to the latest information available to me, thirty

thousand people have crossed over to Arunachal Pradesh and are staying in the relief camps, and twenty-five thousand are on the southern side in the relief camps. For the first four days of these violent clashes, the administration totally collapsed. Senior officers ran away from the area and the local police behaved in a partisan manner. I would like Shrimati Bajpai to take note of this. The local administration was so paralysed that according to *Assam Tribune* of August 14, even Dispur, the capital of the State, could not give any information about the actual situation in Gohpur up to 13th of this month.

Sir, This particular area is a know trouble spot. In 1983, a serious clash took place between Bodos and non-Bodos. The immediate cause was the refusal of a black-smith to make sharp weapons for the militants of the Assam movement. But the basic issue was the election—the clash between the Bodos who wanted to participate in the election and those who gave a call for boycott of the election. Since then tension has continued. After the hotting up of the Bodo movement in Kokrajhar and Udalguri, the State Government should have taken extra precautionary measures in this know volatile area. Actually they were warned to take steps. But the Administration did nothing and the massacre took place. They did not take precautionary measures and the consequence was this disaster.

A new dimension has been added this time. There are two important tribes in Gohpur area—the Bodos and the Mishings. The local A.G.P. Minister belongs to the Mishing community. According to reliable reports, the Minister himself organised the Mishings and other supporters of A.G.P. against the Bodos and guided them in this clash. Sir, with a sense of responsibility, I wish to state that the Minister on the spot is responsible for this clash. After two days of clashes, A.G.P. supporters from far flung places at a distance of about 80 Kms. or 50 Kms. from Gohpur to the West rushed to Gohpur fully armed with spears, daos, guns and any other available weapons and took part in this most aggressive and violent attack on Bodo

villages. Bodos also retaliated giving rise to a very grave situation. This may therefore be rightly called a violent clash between Bodos on one side and the A.G.P. supporters on the other side engineered by the Minister of the locality himself.

In order to substantiate my allegation against the A.G.P., I would like to quote a few lines from the statement of Assam Home Minister as published in the '*Statesman*' on 14th August. I quote:

"The Assam Home Minister Mr. Bhrigu Phukhan, who left for Gohpur today, told *The Statesman*: "Mr. Apang has planned this violence by harbouring at least 90 Bodo militants who were aided by the Arunachal Pradesh Police. But this time I will teach Mr. Apang a lesson for the suffering caused to the innocent people of Assam."

Please note the sentence "I will teach Mr. Apang a lesson". Sir, Mr. Apang is a tribal. It further says:

"Mr. Phukan, who was visibly agitated, said: "If it needs I will resign from the Ministry and organise the people as the AGP general secretary against the Congress-I leaders who are master-minding the violence".

Further, I would like to quote a few sentences from his statement:

"If the Arunachal Pradesh Government does not agree to this proposal I will myself lead the police party tomorrow and enter their States to apprehend the culprits".

This is the statement from the Home Minister of a State against another State. I again quote:

"He said, if he fails to do so as the Home Minister, he would resign from the Ministry and organise a counter movement against the Bodo militants throughout Assam."

[Sh. Bipin Pal Das]

The Home Minister is saying this publicly instead of trying to restrain the people. He should have tried to bring peace and order in that area, and he should not have said this. If this is the tone and tenor of a statement by the Home Minister himself, one can easily imagine what they must be doing actually on the ground.

Sir, the AGP Government has completely failed to maintain law and order in the State and failed to maintain law and order in the State and failed to apprehend even one culprit after 15 political murders. It continues to indulge in torture, harassment and intimidation of Congress workers, minorities and other weaker sections of the society. They have completely failed to give protection to the people in general, and to the Scheduled Castes and the Scheduled Tribes in particular. They have completely mishandled the Bodo movement and its administration nearly collapsed for four days continuously at Gohpur until curfew was imposed.

The AGP Government has completely failed to discharge the responsibilities functions in accordance with the provisions of the Constitution. I therefore demand that the AGP Government be dismissed and President's rule be promulgated immediately in the State of Assam so that the era of blackrule may be brought to an end and the people may be rescued from the hands of a corrupt, incompetent, chauvinist, anti-minority, anti-SC and anti-ST Government now ruling in Assam. This is my prayer and appeal to the Government. I also appeal to the Government to send adequate funds for relief of those who are affected in this massacre, for the families of those who have been killed and those who have been rendered homeless. I also appeal to all sections of the people of Gohpur area to bring back peace and order in that area and lead their further life as brothers and sisters as they had been doing for hundreds of years.

[Translation]

SHRI VIR SEN (Khurja): Mr. Chairman,

Sir, I thank you for giving me an opportunity to speak, but I would also like to make one submission that as I have to speak for the first time in the current session, I request that time-limit should not be applied in my case.

[English]

MR. CHAIRMAN: I have no objection, but the instructions are otherwise.

SHRI VIR SEN: The Chair is independent. It is never subjected to any instructions.

MR. CHAIRMAN: I know my independence. Do not waste time. Carry on.

[Translation]

SHRI VIR SEN: You are independent and not subordinate to any one. This Bill is very important and it has been introduced to check the atrocities committed on scheduled castes and scheduled tribes. But I am sorry to say that it appears from the attendance in the House that people are not interested in it. At least I feel so.

This Bill is very important. Earlier for the protection of civil rights and for the removal of untouchability, Protection of Civil Rights Act was passed. And now again for the achievement of almost similar objectives, the present Bill has been introduced. The main objective is to check atrocities. First of all, I fail to understand as to why the previous Bills, have not proved effective and I have my own fears as to whether this Bill would also meet the same fate. The main reason is that the persons who are supposed to implement provisions of the Bill effectively, oppose it. They are prejudiced. They do not want to protect the rights. There is an old saying 'Choti Kutiya—Jalabion ki Rakhwali'. The people from whom we expect that they will protect our rights, intentionally neglect them. In such circumstances, how it would be possible to implement the provisions effectively. When a person belonging to scheduled caste is victimised and he goes to the police station to lodge an FIR, he is rebuked and asked to go away. If at all, FIR is lodged,

then some lacuna is left so that the culprits may not get any punishment. Unless, the Government checks such corrupt practices of giving shelter to the culprits and giving them protection in one way or the other, then Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill can never prove to be effective. Hence, provision should be made to penalise the officials who indulge in such activities. The Bill would not be useful if it provides protection to such people in any way. The officials make it a point to exploit the person if he happens to belong to scheduled caste. Therefore, the Government should pay attention to it. At some places, the State Governments follow the policy of suppressing the incidents of atrocities committed on the people, belonging to scheduled castes and scheduled tribes, for example, Haryana State. It is the dubious distinction of Haryana that maximum rape incidents take place in that State and no action is taken against the culprits. All the cases are suppressed. The State Government of that State have adopted the attitude of treating the People of scheduled castes and scheduled tribes as slaves so that they may not raise their voice. The Government will have to give a serious thought as to how the rights of these people could be protected. A definition has been given in Section III of the Bill. The Government have defined 15 offences. It is just counting them and I do not term it a definition. No counting can be complete. Man is so intelligent that he finds out one way or the other. There should be a comprehensive definition which may include these points and many other aspects should also be covered in it. I have given an amendment which includes the definition. But it may not be moved because it was introduced at 3 p.m. yesterday. If the discussion continues for a longer period, a comprehensive definition should be drafted. I feel that there are certain things which need to be paid due attention. The definition of atrocities includes things like intimidation, killing, beating and rendering people handicapped-or setting them on fire. I think there is no mention about the death caused by fire. In one of such incidents in my constituency, a girl and an ox died in fire. As regards their involvement in

such incidents. I would like to say that there are incidents when the members of scheduled castes and tribes are intimidated and enticed to associate themselves criminal acts like arson under the allurements that they will be given land in return. In these cases, the punishment awarding authorities should not spare people who act on the dictates of others as well as the people who intimidate and entice the people belonging to these communities to commit such acts. The Bill also provides for forfeiture of the moveable and immoveable property as well as seizure of the weapons used in the crime. It is something strange. For example, you may seize a lathi or a tamancha costing Rs. 200 or so used in committing the crime. It is not going to serve any purpose. Similarly, it does not carry much weight and should be deleted from the Bill. Provision for attachment of property must be there. There is a mention that the culprit should be humiliated in public. But I feel that this is also not enough. Because at times, humiliation cannot be made in public. As such this provision should also be deleted. As regards, externment of culprits from the areas, I am of the view that a gentleman will obey such orders and leave but the goonda elements who use muscle power will not comply. It is, therefore, not possible to implement this provision. Suppose you externed somebody and he left the place instantly and then came back. Instead of doing this, it will in the fitness of things if he is arrested and put behind the bars. The next thing that I would like to point out is that during the elections people resort to intimidation. They threaten the people to cast their votes in favour of a particular candidate. If the voters do not agree to their dictates, they do not allow them to exercise their franchise. In these circumstances, it is not possible for you to stop booth capturing. In order to avert such a situation, there should be a provision in the Bill that if any report or information is received against such people, they should be detained one month or 15 days before the elections and released when the elections are over. I feel that the Government should pay attention to it. There should also be a provision that officers who do not discharge their duties properly, indulge in

[Sh. Vir Sen]

favouritism, do not show sympathy to the sufferers, spoil the C.R. of an employees just to deprive him of his rights or try to prevent him from discharging his duties, should be given stringent punishment which should not be less than dismissal. Otherwise, there will be recurrence of such cases frequently and these will not stop. Finally, I would like to point out that the Bill provides for social rehabilitation. But what is to be done in the case of an unmarried girl who is raped. How to wash off the stigma one her in the society. We have no way out and it cannot be washed either. It is neither possible to relieve the mental agony she suffers nor to remove the deep scars left by the incident. The society also cannot be changed. If such an incident takes place in our society, as it is today, how can you rehabilitate her. Since she cannot be rehabilitated in a scientific way. It is a big question before us as how to change the social norms and values. I, therefore, request you to find a way by which such a girl is accepted by the society.

So far as the question of legal aid is concerned, it has been confined to papers only. Practically, no aid is given. Nothing of the sort is being implemented. In this connection, I have a suggestion to make that committees comprising of members of scheduled castes may be constituted in each district—which will enquire into all the cases of atrocities and help the victims immediately. With these words, I thank you for giving me time to speak and I support this Bill.

SHRI K.D. SULTANPURI (Simla): Mr. Chairman, Sir, I rise to support the Bill that has been introduced in the House by Dr. Rajendra Kumari Bajpai and would like to congratulate her for bringing forward such an important legislation. I am of the view that with the passing of this Bill, incidence of atrocities on Harijans and Adivasis will be reduced. I also thank the Hon. Prime Minister who permitted the introduction of the Bill in the House. The members of Scheduled Castes and Scheduled Tribes will be benefited and they could be assured of acceler-

ated pace of development. This bill will prove helpful in checking atrocities being committed on the people belonging to scheduled castes and scheduled tribes. I find that most of the atrocities committed on Harijans related to land. There are other reasons also which include depriving them of their right to get employment and efforts made to stall their promotions. The capitalist and imperialist forces have tried to usurp the rights of these people. They have created obstructions in their development and tried to create an atmosphere of hatred against them. Today, we are grateful to the Government and the Congress Party which made various efforts to uplift the members of Scheduled Castes, introduced a number of Bills and enacted a number of laws which provided opportunities to Harijans and Adivasis to make progress. Since time is short, I would not like to go into details. But I would like to point out that though separate colonies have been set up for the Harijans and poor people, yet proper reservation has not been made for the members of scheduled castes and Adivasis in proportion to their population in the allotment of the houses constructed by the D.D.A. or any other authority in the urban areas and housing colonies raised by the States Housing Authorities. In this way, they have been discriminated against. When the Government fixed a definite quota for the members of Scheduled Castes and Scheduled Tribes, they should have been allotted houses in accordance with that quota. But that has not been done. Today, we find that all the officers and officials belonging to scheduled castes and scheduled tribes are being posted in villages and remote areas. They are being looked down upon and are being discriminated. I want that the Government should conduct a survey in this regard. Reports submitted by the legal cell set up by the Government to look into the difficulties of these people indicate that injustice is being done to Harijan officials at every place, whether in banks, railways, Air India, Government Departments or States. Atrocities viz. non-allotment of houses to them, posting them in remote areas and treating them as untouchables are not a good sign. Hon. Members from Bihar have given a number of

such instances in the House. The cases in courts are not decided for a long time, say not even in 10 years' time, and thus the number of cases pending in courts is increasing everyday. The Government has made provision for setting up special courts for disposal of such cases. The more the number of courts, better it will be. I request you to set up such courts at the earliest so that these people could get justice early. Yesterday, the Hon. Prime Minister said that justice will be done to poor people. The only way to achieve this goal is to set up maximum number of special courts so that hearing in maximum number of pending cases could be taken up.

Sir, the former Prime Minister, Shrimati Indira Gandhi had given 'Patas' of land in favour of Harijans, Adivasis and people belonging to weaker sections. But the implementation has been faulty. These 'patas' are merely piece of paper. Practically no possession of land has been given to them. Wherever possession of land was given, people went to courts and obtained stay orders against the allotment. In certain cases, where a small piece of land was given, it is rocky or in desert areas where no water is available. The land cannot be dug. It is not suitable for cultivation. I want that a survey in this regard may be conducted to find out as to which of the States did not implement this law. I request you to implement the law properly so that poor people could be provided land.

Sir, while making yet another submission, I would like to submit that there are certain voluntary organisations which receive funds from the Central Government through the State Governments. These institutions have been set up for the welfare of Harijans and Adivasis, but fraud is being committed there in the name of welfare of the Harijans. Therefore, it is my suggestion in this connection that Members of Parliament and Members of Legislative Assemblies should be involved with these institutions so that they may get an opportunity to see whether these poor people are being helped or some fraud is being committed, but it has

not been done so far and these people get their bodies registered in the name of these poor people and do not work for their welfare at all. You should pay attention to it so that the upliftment of the poor people could be done in a proper way and the funds advanced by the Central Government to the states for these bodies are utilized properly.

Mr. Chairman, sir, I would like to point out that recently when a new Government was installed in Haryana, they had promised to the poor people that loans up to Rs. 10,000 in respect of the people living below the poverty line would be waived. In respect of other categories, this limit is Rs. 7,000 but they have made a provision for waiving loans only upto Rs. 10,000. I would also like to point out that atrocities are being committed on the Harijans in Karnal and at other places in Haryana in a way, which cannot be compared to that in any other part of the country. I would like to urge upon the Government of India that they should pay attention towards the poor people rules are being victimised there at present

Mr. Chairman, Sir, just now the situation in Kerala was being discussed here. It was also pointed out that have a Harijan was tortured in a Police Station in Kerala. I would say that it is a blot on the country. Had Mahatma Gandhi, Pandit Jawahar Lal Nehru and Indira Gandhi been alive today, I can realise the intensity of agony, it would have caused to them. They had made a provision for the upliftment of the Harijans and scheduled castes, and now it is our Prime Minister, Shri Rajiv Gandhi who has taken a pledge to fulfil that mission.

Mr. Chairman, Sir, it is my submission that poor people should be provided the opportunities to raise their standard of living with the provision of basic amenities for them like the provision of drinking water and electricity so that the poor people can make progress.

Mr. Chairman, Sir, if you go through the reports submitted by the Scheduled Tribes and Scheduled Castes Commission, parlia-

[Sh. K.D. Sultanpuri]

mentary committees and committees of the State Legislatures constituted to take care of the welfare of the scheduled castes and scheduled tribes, you will find that a number of atrocities are committed on these people and in case remedial measures prove effective to check this problem, it will be a great achievement on our part. I would like to congratulate you for moving this piece of legislation and I would also like to congratulate the Hon. Prime Minister for it. But I would also like to point out that unless and until back log in respect of the vacancies reserved for scheduled castes and tribes is cleared with the implementation of this law, it will be of no use. The people do raise a point that jobs are not being provided to the educated people, it is an injustice to them. I feel that since orders have been given by the Prime Minister to fill up the reserve quota for Adivasis and Harijans, it should be implemented at all levels right from class four to other higher ranks in all the undertakings so that the provision of reservation meant for the poor does not go waste and Harijans and Scheduled Castes and Scheduled Tribes may also lead a happy life. You have cited a number of cases of atrocities and all of them relate to Harijans and Adivasis. I feel that you will deal with in a time bound programme. I hope that the Government will also bring about an improvement in the existing system under which atrocities are being committed on the women and youth in Kerala and in other States including Himachal Pradesh. With these words, I support this Bill and I hope that the Government will pay full attention towards it.

SHRIKEYURBHUSHAN (Raipur): Hon. Chairman, Sir, I am constrained to observe with agony that even after a long period of our independence, we cannot claim that we have become independent in the real sense of the term. We could not free ourselves from the blot of atrocities being committed on scheduled castes and scheduled tribes and in order to combat this evil, we have to enact laws. The Government have made the pro-

vision for a separate court for such cases, it is a right step and only those who comprehend it, can do justice. Only those persons who realise the agony of this section of the people who rebuild this nation and takes her ahead on the path of progress with its skill and performance, can take steps to ensure that atrocities are not committed on them and they are given full protection. Even today, atrocities are committed on our women folk. It is easier to commit atrocities on the women of scheduled tribes and scheduled castes because they work in the fields, barns and factories where they toil hard under the care of their rich masters. They are treated like insects and they are not given due regard. The Government has realised that they should be given due respect and resolved to restore to them their legitimate rights.

13.59 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Therefore, we are thankful to the Government owing to certain basic reasons. I would like to submit that the Government should provide them special facilities. Firstly, Adivasis and Harijans should have adequate means to enable them to stand on their own feet. The majority of them do not have them at present. The people who live in the forests have neither the agricultural land nor the forest land. But they are falsely blamed for the felling of forest trees which are rather protected by them and they are evicted from the land they have been tilling for agricultural purposes on the plea that they have occupied the land by force. Moreover, they are prosecuted and sent to jail for it. As per the existing provisions of law, they have no claim on the forest land. Kindly amend such provisions of law to enable them to plant trees for their use and to allow them to make use of the forest produce. Then nobody would be able to commit atrocities on these people. The Government should make them strong enough so that nobody could dare commit atrocities on them.

14.00 hrs.

All the schemes meant for our area are meant for the tribal areas. There are deposits of coal, mica, iron etc. in these areas only but when these people are displaced from these areas, they are left with no other means of livelihood except going in for physical labour and to bear atrocities on their mothers and sisters. The plots of land allotted to them under 20-point programme for their rehabilitation, are found nowhere, hence they do not know what to do or where to go under such circumstances.

As I have already said that when new industries are set up at some particular places, the people from outside are provided employment in these industries, but they should not be allowed to do so. Opening up of new industries is no doubt very good for the entire country but care should be taken to ensure that the local people are employed in them. If the people of these areas cannot be rehabilitated then all of them would suffer. An industry should be allowed to operate only when all these people are rehabilitated. They should have the first claim of employment in such plants under the project because they have given land which was the source of their income. Nobody can dare commit atrocities on these people, if they are given employment in such plants. Who can do injustice to them if they get the land for shelter and agricultural land to earn their livelihood. Injustice has no place in such a situation. The entire society will stand by them in this way. Their victimisation should also be treated as misconduct and atrocities on them.

Educated people belonging to these sections of society do have the opportunities of becoming doctors, teachers and engineers but they are forbidden to draw water from the well in their own native place. I say it with a sense of responsibility and in all sincerity that they are not attended even by the barbers of their area. Is it not a sort of misconduct or atrocity? All these things should be considered as misbehaviour and atrocities and a punishable offence under

the provisions of law. The Government should try to change this slave mentality.

The village where the Harijans are not allowed to draw water from the village wells, where they are not given equal status even by the barbers and washermen, where they have no house of their own to live in, where they have no temples and mosques for prayers, is nothing but a hell. We will have to bring a change in all these things. Under the Panchayati Raj System, if some particular panchayats are not able to provide civic amenities for them, these should be dissolved. For this purpose, the Government shall have to incorporate some changes in the Bill. Laws enacted in this regard can be implemented only when appropriate changes are made in them. Those who come forward should be given protection by the Government. The Government should start a campaign to remove this disparity. It is essentially the responsibility of your department to launch a campaign to bring about this change in the society. There is no public place except hotels or cinema houses where discrimination is not practised. The Government should make efforts to deal with this problem at other places. If it is so required, group penalty should be imposed and discrimination should also be treated as an atrocity. It is perfectly justified to make changes in the provisions of law and the Government should pay special attention towards this.

My third point relates to initiate a move in this regard. The youth of this country should go in for inter-caste marriages if they want to do away with the caste-system. Mahatma Gandhi had clearly observed that he would seek the blessings of such couples where one of the partners would be a Harijan and the other one a non-Harijan. But today if a person marries a Harijan girl, he incurs the wrath of his family as he is deserted by his family and does not get protection from any corner. I would request the hon. Minister to introduce a system where top priority will be given to those who have gone in for inter-caste marriages. Two days back, I met a woman from my constituency. She had

[Sh. Keyur Bhushan]

married a man belonging to a 'Vaishnav' family which occupies a very high status. The couple was not allowed to stay in that village. Even in the city they did not find a place to live in. Both of them are jobless and without shelter. How can they go ahead in this situation? According to existing provisions of laws anyone of them can be provided employment. The Government should pay attention in this direction.

I support the suggestion of my hon. colleague who spoke earlier that after proper scrutiny, public institutions should be given all possible help to fulfil the resolution of removal of untouchability.

In the end, I would like to repeat the resolution of our ancestors which said that social evils like untouchability and atrocities on Harijans will be completely wiped out. On 24 September, 1932 after observing a fast-unto-death Mahatma Gandhi along with the Saviour of Harijans, Baba Saheb Ambedkar, Madan Mohan Malviya and several other leaders had resolved to make their all out efforts to wipe out untouchability from the country. Today 40 years have passed since then but the problem of untouchability has assumed larger proportions, so we should resolve here that discrimination will come to an end in this great country or ours.

SHRI NANDLAL CHOUDHARY (Sagar): Mr. Chairman, Sir, I whole-heartedly support the Bill introduced by hon. Shrimati Bajpai I thank hon. Shri Rajiv Gandhi and hon. Shrimati Bajpai for moving this important and historic Bill. The earlier laws for the removal of untouchability have been incorporated in it and their deficiencies have been taken care of. This Bill has been moved in the House because earlier laws proved ineffective in checking the incidence of atrocities on Harijans, instead such cases have increased. I whole-heartedly support the Bill. Our leaders such as Mahatma Gandhi, Jawaharlal Nehru, Dr. Ambedkar, Shrimati Indira Gandhi and the late Jagjivan Ram tried their best to prevent atrocities on Harijans. Yet we find

that the situation has not changed virtually with no decline in atrocities on Harijans. I would like to quote one particular case. At the Bahrol police station in Sagar district of my constituency, over a minor issue, Harijans were made to drink urine, their heads and moustaches were shaved off and after being mercilessly beaten locked up in jail. These Harijans belonged to village Neemon. For the last two years court proceedings have been going on for false cases registered against them. When I go to know that Harijans had been made to drink urine by the police and then locked up in jail I went there for a first-hand assessment of the situation. I personally saw the Harijans with their heads and moustaches shaved off. They also gave a statement before the jailor. From the jail I went to meet the S.P., whose name I do not want to mention. I asked him what action he is taking for the police atrocities on Harijans in village Neemon under Bahrol police station. The S.H.O. of Bahrol police station who had also come there was called by the S.P. and asked if such an incident had taken place. The S.H.O. replied in the negative. I told them that I had personally gone to the jail and have seen everything myself. Instead of believing me they gave a Press statement that the M.P. is telling lies and no such incident had taken place. Later on preparations for a movement were launched and the S.P. had to leave that place. When there was a lot of resentment among the local public and it gave rise to a wide unrest, a magisterial inquiry was ordered. This inquiry proved that the S.P. version was wrong. The Report clearly stated that atrocities committed on the Harijans included cutting off their hair and making them drink urine. Till now no action has been taken on the Report. The C.R. of the S.P. mentions his anti-Harijan attitude. What provisions have you made in respect of such officials in the Bill? Such officials should be brought under the purview of this Bill so that some action can be taken against them.

There are other types of injustices that the Harijans are subjected to by the bureaucracy. I am the national president of the Scheduled Caste and Scheduled Tribes

Employees Association in the railways. Hence I received a large number of letters from all over the country stating therein the type of injustice they are being subjected to. Recently, there was a case involving one Bapu Prasad of Sagar area who has been an assistant driver in the railways with a total service of 26 years to his credit. He is said to have had an argument with an official who abused the driver in the course of argument. The latter may have retaliated in the same coin. But the driver denies that he abused the official. Anyway, the driver was charged with abusing a public servant and he was in a drunken state on duty and his services were terminated. I have seen his record of service for the last 26 years. He filed an appeal against the decision. Unfortunately, his appeal was rejected and his termination was confirmed. Nowhere does his record mention that he abuses others or consumes alcohol. Nothing was done to check the facts but his services were terminated. He also had an audience with, His Excellency the President of India. There are many such cases where high-level officials become indifferent just because Scheduled Castes are involved. The Appellate authority also does not give the case much importance. It is how these atrocities continue to take place.

Similarly, grants meant for the welfare of Harijans in Municipal Corporations or Municipal Boards are utilised for some other purposes. The Central Government had released funds for the construction of 600-7000 'Sulabh Shauchalyas' by the Sagar Corporation. Instead of spending the money on the Harijan wards for which it had been given, it was spent on non-Harijan wards. There are several such instances. There should be a provision to ensure that the Head against which the money has been sanctioned is not changed. If an official spends the money meant for Harijans under some other Head, he should be punished.

In the end, I once again extend my support for the Bill and thanks to hon. Shrimati Bajpai.

CH. LACHCHHI RAM (Jalaur): Hon.

Mr. Chairman Sir, I am grateful to you for giving me an opportunity to express my views on this important Bill. I also thank hon. Shrimati Bajpai for introducing a Bill in this House which seeks to prevent atrocities on Scheduled Castes and Scheduled Tribes. Hon Shrimati Bajpai is a person who firmly believes in Gandhian philosophy and always strives to put it into practice. This is a historic Bill. I have had the opportunity of working with hon. Shrimati Bajpai on the Consultative Committee of her Ministry. I have always seen her taking serious note of the problems concerning the poor raised here in this august House by our hon. Members.

When I see this Bill, I find that it takes care of all aspects that we have ever discussed. I thank her for presenting this very important Bill.

Mr. Chairman Sir, a number of measures have been taken since independence for the prevention of atrocities on Harijans. Even before independence, Pandit Jawaharlal Nehru also took some tough steps to provide relief to the weaker sections through the abolition of the 'Zamindari' and 'jagirdari' system and merger of 600 princely states. With an undaunted mind he successfully completed this task with the help of Sardar Patel. It is this step that influenced us most. Some persons among my brethren say that it did not give them any relief. But I would say that a lot of relief has been provided. I am one of those people who have experienced the frustration of the weaker sections of our society. Today, when I see people of backward classes holding their heads high and enjoying a better status in society, I can feel the changes that have come about. But there are places like Bihar and many other States where atrocities still continue. This needs to be dealt with. Several hon. Members have asked for a ban on punishment of Scheduled Caste officials. This is not a justifiable demand. Among the Government employees also we find persons belonging to Scheduled Castes and other castes. They really discriminate against the people of other castes. Similar punishments should be given to the Government employees indulging in

[Ch. Lachchi Ram]

corruption and discrimination, as is given to other categories of people. One of the hon. Members emphasised on the laxity shown by the officers in the implementation of the laws which have already been enacted. Though some of the educated persons of the weaker sections have come into the Government services, but at the time of promotions after 10-15 years of service, either adverse entries are made in their CRs or CRs are destroyed, thereby depriving them of the promotion. In some cases they are also compulsorily retired. Attention must also be paid towards this, because after the compulsory retirement of these persons, people of choice are inducted in their place. One of my colleagues has just stated that a particular quota has been fixed for the persons belonging to the Scheduled Castes in the matter of allotment of petrol pumps. On investigation the Government can find out the hold of the capitalists in 95 per cent cases where they are being operated in the names of their servants but entire profit is pocketed by the capitalists themselves. Persons of weaker sections do not get a share in this profit. As regards the framing of rules under the act, the hon. Minister has incorporated clause to make a provision for discussion on the rules in the House before their implementation. The officials entrusted with the task of framing of rules dilute the importance of the Bill, thereby depriving the weaker sections of its benefits which are supposed to accrue to them. I support the Bill and convey my thanks to Shri Rajiv Gandhi and Smt. Bajpai for introducing the Bill in the House.

SHRI RAM BHAGAT PASWAN (Rosaera): Mr. Chairman, Sir, the population of Harijans and tribals is 1/3 of the total population of the country and is also very important for the society. They are the pillars of development and work very hard, but still they do not have any respect in the society. Not only this they are also denied their rights. Even the educated Harijans are also maltreated. We are grateful to the Congress for improving the lot of harijans and tribals to

enable them to lead a respectable life. Shrimati Indira Gandhi worked zealously to fulfil the resolution adopted under the leadership of Mahatma Gandhi and Pt. Nehru to deliver justice to harijans and tribals and also to bring prosperity to them. I would like to thank Shri Rajiv Gandhi for bringing forward such a revolutionary Bill. For this I would also like to thank the hon. Minister for introducing the Bill in the House for the redressal of grievances of the harijans.

There are three or four reasons for atrocities on harijans and tribals. Greatest reason is the prevalence of casteism and fundamentalism in our society. Even the educated and the well placed persons of these communities are looked down upon by the people of the other communities. Second reason is their poverty due to which they remain weak. For ameliorating their economic condition, minimum wages laws are 'no doubt' there, but they are not implemented. I would like to request the hon. Minister to issue guidelines to the State Governments to implement them. People found negligent in implementation should be prosecuted. As soon as a poor person prepares a rocky land for the purpose of cultivation, the landlords forcibly grab the plot of land from the poor, who had been given the leased deed of the same and the Police also does not give him protection. It has been the history of Police that till to date they have never protected the harijans and have also never given reports in their favour, in case of conflicts between the poor and the landlords and in the cases of atrocities on Harijans and tribals. The Government can look into the Police reports on cases of land conflicts in Bihar. In all such cases Police reports have never gone in favour of harijans. Second channel of redressal is courts. But in these courts also, big zamindars have their say and they never deliver judgements in favour of harijans. That is the reasons that there have been more atrocities on harijans in Bihar. Whenever these persons make a demand for minimum wages, atrocities are committed on them. During the Janata rule, spurt in atrocities on harijans was witnessed. At Belchhi, Pathra, Kena and Dharampura,

people were burnt alive. During the Janta rule, atrocities on harijans had increased 10 times. We are grateful to the Congress Government which is committed to give protection to the Harijans. However, the officers are creating problems in this regard and put up resistance to check the filing of F.I.Rs. Provision of special courts has been made, but there also lawyer is to be engaged for which both time and money are required. The Government is requested to provide justice at the doorsteps in case of atrocities on harijans and tribals instead of requiring them to knock at the doors of courts. It will bring down the number of cases of atrocities on them. I would like to request the Government to evolve a system of heavy punishment for the persons found involved in killing and burning of harijan and tribals, so as to prevent their escape from the clutches of law, because the kins of victims fail to arrange for the court fees and hence are unable to file cases. Therefore, in view of the poverty of these people, if Government wants to do justice with them then the courts should move to their doorsteps. I would like to thank the Hon. Prime Minister for recently issuing instructions to the Chief Ministers and the officials of the States, in whose cases lease deeds have been issued to extend financial assistance to the harijans because this has definitely boosted their morale. While harijans and tribals have been provided reservation in Government institutions, private institutions and educational institutions are blatantly flouting the provisions of the reservation policy of the Government. In the educational institutions receiving Government aid and assistance from University Grants Commission, there is no provision of reservation for harijans. I would like to request the Government to make the provision of adequate reservation for the Scheduled Castes and the Scheduled Tribes in these institutions also. In some cases it has been observed that whenever harijan Officers and employees are due for promotions, adverse remarks are deliberately made in their CRs. It is my submission that stringent action should be taken against the officials who have deliberately spoiled the CRs with their ulterior motives. All such entries should be

reviewed and if any such remarks are found to be incorrect, then services of the concerned official should be terminated immediately, so as to effectively implement the declared reservation policy of the Government.

Now, I would like to draw your attention towards the shelterless harijans. In many cases it has found that the harijans have settled on the lands owned by others. Government guidelines in this regard are quite clear as it has been provided under these guidelines that Harijans will be given the ownership of the land on which they have been settled, but still in many villages they have not been given these rights of the plots of land on which they have been living. Moreover, they are being exploited and kept as bonded labourers. Only those Harijans whose children are educated, get out of the clutches of the bonded labour system because they change over to the cities or some other place away from the village. But a helpless harijan has to continue as a bonded labour as the light of independence is still eluding him. Therefore, I would like to request the Government to arrange for the freedom of harijan bonded labourers, by giving them the full ownership rights of land on which they have been living. Persons forcibly taking work from them should also be severely punished. With these words I would like to thank from the core of my heart the hon. Minister of Social Welfare for moving this Bill to accord severe punishment to persons committing atrocities on harijans and constitute special courts for harijans and increase the period of punishment. I think that whenever this Bill is implemented at the grass-root level, the people of the country will Shri Rajiv Gandhi and Dr. Rajendra Kumari Bajpai from the case of their hearts. With these words I would also like to thank you for giving me an opportunity to speak.

SHRI KAMMODILAL JATAV (Morena):  
Mr. Chairman, Sir, I rise to extend my wholehearted support to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill introduced by the hon. Minister of State of the Ministry of Welfare. firstly, I

[Sh. Kammodilal Jatav]

would like to thank you for having provided me with an opportunity to express my point of view on this Bill. Even after 40 or 42 years of independence, it cannot be said that the Harijans have made progress. Their development has not taken place according to expectations. Even today atrocities are being committed on them. If a Harijan or an Adivasi owns two bighas of land and if it is adjacent to the fields of the non-Harijans, they will make it a point to occupy that piece of land no matter what method they may have to adopt for the purpose. They may even beat him up and resort to every other mean tactics to forcibly occupy his land. You can find such examples in plenty in Madhya Pradesh and many such disputes are still going on there. I would like to request that wherever such instances of atrocities committed on Harijans and Adivasis are in evidence, strict action should be taken against the culprits. Whenever a Harijan goes to the Police Station to register a complaint regarding atrocities, the Police Officers neither register the case nor do they take prompt action. Stern action should be taken against such officials. The Harijans and Social Welfare Officer in every district should be directed to visit the Police Station at least once a week to enquire about the cases of the atrocities on Harijans. This will ensure that the Police Officers do not shirk their work. Therefore, I would like that the Government should issue instructions to every Social Welfare Officer to visit every Police Station of his district once a week.

Sir, the second point which I would like to submit is that when a Harijan or Adivasi gets employment, the concerned officials send the appointment letters at the wrong address with the result that he does not get an appointment. For example, if the candidate belongs to Manwa, the call letter is sent to Bhondpa and similarly if the candidate belongs to Malekhpura, the call letters is sent to Morhpura and so on. In this way, call letters are sent at wrong addresses. I can produce the required evidence in this regard. This is a fact. When the appointment letters

does not reach the right address, the question of his joining the post does not arise and consequently the concerned officers recommend that the vacancy should be filled up by a non-harijan candidate. Therefore, in order to avoid such situations, the appointment letters of Harijans and Adivasi candidates should be submitted to the Collector and the Collector should inform the candidates about their appointment. In this connection, I would like to request that the Government should issue necessary instructions in this direction so that such arrangements could be made.

Mr. Chairman, Sir, you might have seen in Nagarpalikas including the Nagarpalika in Delhi that dirty water from other areas get collected in the slum areas. The same situation exists in my constituency, Morena. The same condition also exists in the Parliamentary Constituency of Sheopur. As Shri Chaudhary has just said that the amount allocated for the improvement of slums inhabited by the Harijans and Adivasis is spent for other purposes. The same situation exists in my State. It is on this account that these deprived people are compelled to spend their entire lives under such conditions. The people living here do not even get safe drinking water. That is why I would like to submit that the funds which are allocated for the upliftment and welfare the Scheduled Castes and Scheduled Tribes should not be diverted to other heads, so that the condition of the slums in which they live could be improved.

Mr. Chairman, Sir, besides, I would like to submit that licenses for keeping guns are issued only to the people belonging to the upper castes. A common man belonging to these castes is able to get licenses issued after spending some money but the weaker sections are not able to do so. In a small village of my constituency the people belonging to the general category possess a number of guns, but the Harijans and Adivasis do not possess even a single gun. They are constantly terrorised and intimidated. They are oppressed but they are afraid of raising their voice in protest. Therefore, I would request that the procedure of issuing

gun licences to the Harijans and Adivasis should be made easy. This will also help in improving the situation and they will not live under terror any more.

With these words I support the Bill.

SHRI MANKURAM SODI (Bastar): Mr. Chairman, Sir, I support the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Bill. The Hon. Prime Minister has toured the distant areas and met the Harijans and Adivasis personally so that he could know about their problems. He also consulted different voluntary organisations working in their midst and thereafter referred this matter to the Adivasi Cell of the AICC. A seminar was organised on this issue which was attended by all the hon. Members of Parliament. Subsequently, the Chief Ministers of the States were called and consulted in this matter. In this way, before bringing the Bill a lot of consultations were held at all levels and only after that the Bill was brought forward.

Sir, different forms of atrocities have been mentioned under sub-section (i) to (XV) of Section 3 of Chapter 2. The provision under sub-section (XV) will definitely help in preventing atrocities committed on the Scheduled Castes and Scheduled Tribes and it will act as a deterrent on the tendency of denigrating them. As you are aware that there are several types of atrocities. For example, sub-section (iii) of section 3 of chapter 2 makes it clear that it will be an offence to forcibly remove clothes from the persons of a member of a Scheduled Caste or a Scheduled Tribe or parade him naked or paint his face or body or commit any similar act which is derogatory to human dignity. This is the basest form of atricity and a photograph of one such instance was published on the cover page of the fortnightly, 'India Today'. A ban was imposed on the entry of journalists in that area and on the press coverage of the incident by the district administrations but the journalists entered on the pretext that they would like to highlight the development taking place there in the area and in this way they took this photo-

graph. In this photograph, it is clearly visible as to how they were stripped naked. The clothes to be seen at the bottom are the ones which were forcibly removed. This sort of atrocity should be checked. The women were also similarly insulted and dishonoured. The Harijans and Adivasis also allow their woman folk to be molested because they are terrified. When such matters are referred to the Panchayat it is said that they have done so to avoid enmity. This should be checked. Similarly, these weaker section are made to flee villages by levelling false allegations of theft and other crimes. This should also be checked. At the same time, non-advasis enter the adivasi areas and forcibly try to occupy their land. This should also be stopped. They wrongfully dispossess them of their land and in doing so they adopt every possible means from enticing them with trap-pings to intimidating them. The Special Courts to be set up to deal with such offences would function properly if as the hon. Members have suggested that the judicial system should provide cheap justice and the procedure should be simplified. If proper justice is ensured to these oppressed people, it will definitely benefit them. The justice being rendered by the State Courts should be inexpensive and easily available. So far they are not getting justice that is due to them. The Government should make arrangements to find a way out under the existing circumstances so that they could get maximum benefits. Until this happens, it will not be possible to improve their lot. However, there will be definite improvement in their conditions in the near future. Our Hon. Prime Minister has brought forward this Bill after touring the whole country, discussing this problem with the affected people and after holding a lot of consultations at all levels. The future generations will make all out efforts to implement this Bill and for securing their rights. Today many schools and colleges are functioning in areas where these facilities did not exist before. Thus the children of the Scheduled Castes and Scheduled Tribes are getting an opportunity to receive education. This Bill will go a long way in benefiting the society as a whole. This new generation will work in the direction of check-

[Sh. Mankuram Sodi]

ing the exploitation of the weaker sections and for their upliftment and progress. Shri Rajiv Gandhi will always be remembered by them for having brought this Bill and they will constantly make efforts for the improvement of their own lot. With this hope, I conclude.

[English]

SHRIK. PRADHANI (Nowrangpur): Mr. Chairman, Sir, I rise to support this Bill moved by the hon. Minister of State of the Ministry of Welfare to prevent atrocities on Scheduled Castes and Scheduled Tribes.

Sir, I am grateful to the hon. Minister because she has been kind enough to bring this Bill under the direction of our Prime Minister, who is young and dynamic and who has studied all the problems of Adivasis and Harijans in our country within a short period of four to five years.

Sir, the aims and objects of this Bill are to give deterrent punishment to the accused persons, who are involved in cases of atrocities on Scheduled Castes and Scheduled Tribes. There are general Acts like I.P.C. Civil Rights Act, but they have not been properly implemented. And that is why this Bill has been brought. Here the word 'atrocities' has not been defined exactly and fully and only certain offences have been quoted here like taking possession of land from Adivasi forcibly, removing clothes of Scheduled Castes and Scheduled Tribes etc. Also enhanced punishment has been provided here in this Bill, i.e. more punishment to those who are habitual offenders and who committed offences more than once. This is a very good suggestion and a very good proposal. I think it is necessary to define the word 'atrocities' here, fully if not today at least after some time. I would like to seek some clarifications from the hon. Minister. She has mentioned that this Bill applies to all the areas including Scheduled Areas and the Tribal Areas of this country. Last week we passed the 64th Constitution Amendment Bill and this particular Constitution Amend-

ment Bill did not apply to Scheduled Areas and Tribal Areas. There is a provision in the Fifth Schedule of the Constitution. I quote Para 5 of the Sixth Schedule:

"Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or a part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notifications and any direction given under this sub paragraph may be given so as to have retrospective effect."

I think this is an overriding principle and I doubt whether this particular Bill shall apply to Scheduled Areas and Tribal Areas without the notification of the Governor. There is a special provision in the 64th Constitution Amendment Bill which we have passed last week that the Governor shall make a special notification to apply that Bill to Scheduled Areas and Tribal Areas.

I draw the attention of the hon. Minister through the Chairman to examine whether this Bill will apply directly to the Scheduled Areas and the Tribal areas without the Notification of the Governor or whether Governor will notify it.

Now I come to the fifth and the Sixth Schedules. Last week there was a question about Jharkhand movement—fortunately or unfortunately it was recorded in my name—that extremists are involved in that movement and they are creating problems in this country. Sir, the Jharkhand activities and other activities are coming into the picture only because of socio-economic problems. The hon. Home Minister on that day was kind enough to inform the House that he would examine these facts by appointing a Committee and see what can be done about that. I would like to suggest that we could have Autonomous Councils like GNLF. In the Eastern States we have got such Councils

and we have got Zilla Parishad and Development Councils in other areas. Our young Prime Minister is very much concerned about the tribal areas and about decentralisation of power to the people in general. About 90 to 95 per cent of our Tribal people are living in concentration with a few others and the other people control the tribals. If we give them some autonomy—I am not talking about Jharkhand State but say Council type—they can themselves control their own affairs because other people are not interested in solving the problems of the tribals. I have seen throughout the country that the civil Right Act is not implemented properly because more than 60 to 70 per cent of the cases are acquitted as none of the people are interested to go into the background of atrocities against Scheduled Castes and Scheduled Tribes. Even some of the officers are also supporting them. They should be given autonomy under the Sixth Schedule to have a grip over administration. The Sixth Schedule is operating in some Eastern States whereas the other tribal areas are governed by the Governor under V Schedule. Why should there be two types of administration? Why not make one type of administration under the Sixth Schedule so that the tribal people can look after their own interests properly and see that the culprits are punished properly?

SHRI UTTAM RATHOD (Hingoli): While speaking on this Bill, let me congratulate the Government for bringing a Bill of this type. As a social workers and also a political workers I have seen that the cases of atrocities on Scheduled Castes and Scheduled tribes especially after independence, are on the increase. We can attribute the reasons to the resistance that has been shown by the Scheduled Castes and Scheduled tribes against the existing society. Under this Act, we have provided special courts and also punishment to those who neglect their duties. Generally we have seen that whenever there are atrocities by them on Scheduled Castes and Scheduled tribes or even on women, the police or the other people who are responsible for law and order, keep away and after the completion of the act, they

generally go there. I am happy that the Government has provided some protection against the atrocities that the indirectly committed by the Government officials or public servants. I once again thank the Government for having brought this Bill. I hope the Government will also have the determination to implement this.

[Translation]

SHRI R.S. KHIRHAR (Sitamarhi): Mr. Chairman, Sir, this Bill has been introduced in the House with a view to preventing atrocities on Scheduled Castes and Scheduled Tribes and it provides for setting up of special courts and taking some punitive measures. I welcome this Bill. Atrocities on Harijans is not a new phenomenon. Earlier also these things used to happen and laws were enacted. We must ponder over as to why these atrocities are committed in the first place. A number of factors are responsible for this. If we conduct a survey on the way of their living, we shall find that even after 40 to 42 years of independence there has been no change in their standard of living. As compared to ours, their standard of living is far below. Economic and educational backwardness has been hunting them and this results in atrocities on them. It is all right that after independence the Government has been working for the economic and educational upliftment of the Harijans and Adivasis and for the improvement of their standard of living. But in my view, it is still inadequate.

I come from North Bihar. It was decided to distribute the surplus land that would be available among the Harijans and transfer the land ownership in their names after the implementation of the land Ceiling Act. But if you conduct a survey honestly you will come to know that even today ownership of 50 per cent of land so distributed has not been given to them. Though the land has been shown to have been transferred to them, but in practice it is still under the possession of capitalists and landlords. Even today Harijans are being forced to work without remuneration. They still continue to be the bonded labourers. It is all right that progress

[Sh. R.S. Khirhar]

has been made in the right sense of the term but their economic and educational condition is still very deplorable. Hon. Members, particularly those from Bihar, sitting in this august House know that hundreds of bighas of benami land is still under the possession of landlords and capitalists. They have been showing this land in the names of their pet animals, munshis and sepoy. As such if the Government sincerely wants to protect the Harijans and Adivasis from these atrocities, it should strictly enforce the Land Ceiling Act if not everywhere, at least in the plains and take out the surplus land from the landlords and distribute the same among the Harijans and Adivasis. This will help the Harijans acquire ownership of the surplus land and atrocities being committed on them will stop. They will be in a position to complete with the rest of the society.

With these words I support this Bill.

[English]

SHRI CHINTAMANI JENA (Balasore):  
Mr. Chairman, Sir, I rise to support this Amendment Bill brought by our hon. Minister for Welfare, for the welfare of the SCs. and STs. in our country,

Sir, as you know well, the atrocities and the backwardness of the SCs. and STs. depend not on one factor alone; there are several factors, such as, illiteracy, socio-economic condition, acute poverty, etc. which I have no time to elaborate. I am grateful to our hon. Prime Minister that he is very seriously thinking about the welfare and upliftment of SC/ST people in our country. For this he has taken several measures, of which this is one of the major welfare measures taken by him as well as by our hon. Minister for Welfare who is present here.

15.00 hrs.

It is the Congress Government at the Centre as also in many other States which have done something for the welfare of the

SC and ST people. But unfortunately those people who are shedding crocodile tears—the Opposition Party Members are not here—have no solution to this problem. They don't want to implement anything for them. They want to deliver big lectures and preach things but they never implement any good schemes for the welfare of the SC and ST. We have noticed their attitude in the year 1977 to 1980 when the reservation for seats for SC and ST community people was to be extended after its expiry in 1980, they did not want to extend the same. But Shrimati Indira Gandhi after coming to power at the Centre in 1980, had taken initiative and the reservation time was extended by amending the Constitution. So, whatever the action for the welfare and development of the SC and ST people was taken, it was taken only by the Congress Party and the Congress Government at the Centre and in the States. I would now like to give a few suggestions for the consideration of the Government.

Sir, about illiteracy, there are a large number of drop-outs of SC and ST students for which some measures like provision of hostel facilities should be made so that the drop-outs could be checked and literacy will spread. Sir, we have noticed that whatever atrocities are committed and the modesty of Harijan and Adivasi women is spoiled, it is mostly done by the Police officials and Forest Officials. My humble suggestion would be that the Government should take stringent measures so that when such type of allegations are brought to the notice of the Government, the concerned officials or the employees of the Government should be dismissed from the service and in no circumstances, he or they should be provided with any job in Government. Of course, the hon. Minister has noted the points. But while replying to the points raised during the debate, she will reply that these matters come under the State Government. I fully agree with her. But what is happening is that actually welfare measures which are considered and decided for implementation are being implemented by the concerned State Government and the officials there show their apathetic attitude towards this and that is

why they are not being implemented Therefore, some measures should be taken so that this kind of thing may not happen in future.

Sir, regarding special courts, I congratulate the hon. Minister that she has brought forward this Bill in which provision of special courts is included. The special courts, in my humble submission, should be in every block so that it could be easily approachable by the poor Adivasis and Harijans in time of need. Besides, I would also suggest that some social and cultural measures should be taken. On this issue, I would like to submit that the matrimonial alliances between the Harijans and caste Hindus should be encouraged. Of course, there are encouragements given and our Government at the Centre are taking such measures. But my humble suggestion is this.

MR. CHAIRMAN: Please conclude.

SHRI CHINTAMANI JENA: Sir, within a minute or two I will conclude.

It is heartening to note that our hon. Prime Minister recently has taken positive measures to fill up all the backlog vacancies of SC and ST candidates. If there are such candidates of caste Hindus who have married Adivasi or Harijan girls, they should be given priority in filling up these vacancies. Rules also should be framed so that this sort of vacancies can be filled up in future with utmost priority to those caste Hindus candidates who will have matrimonial alliances with Adivasis and Harijans.

Sir, regarding Panchayati Raj our Government has taken many correct measures and the Panchayati Raj system is being implemented very rapidly. I whole-heartedly congratulate our Prime Minister for this. I also request the hon. Minister to kindly see that the Panchayat Bills in the States have one such provision so that the panchayats would do such works for the welfare of Harijans and Adivasis. Those panchayats should be rewarded by the Government of India. One regrettable matter is that there is infight-

ing among the Scheduled Castes and the Scheduled Tribes and they have no coordination. So, measures should be taken to see that there is coordination among the Scheduled Castes and the Scheduled Tribes. With these words, I whole-heartedly support this Bill.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Mr. Chairman, Sir, I am very grateful to those hon. Members who participated in the discussion on this Bill, took interest in it and extended their full support. While expressing their views all these hon. Members extended their full support to the Bill. As many as 38 hon. Member participated in the discussion. The discussions that were held on Monday and today show that the House as a whole is fully sympathetic to these people who have been subjected to various atrocities from time to time. The Bill has been brought to stop these atrocities and this is the reason that it has received support from all. Some suggestions and amendments have also come. I shall take up these points later. As all of you are aware, the Congress Party has taken measures from time to time with a view to uplifting the people belonging to weaker sections, particularly the members of Scheduled Castes and Scheduled Tribes and the minorities who are socially and economically backward. It has been the policy of our party and the Government as well. After independence these measures have been taken from time to time. Our Hon. Prime Minister has also been paying maximum attention to it for last 4 years. He studied the economic and social conditions of these poor people by visiting their jhuggis himself in the nook and corner of the country and by talking to them personally. Thereafter, he reviewed the performances of the on going schemes and other programmes and took measures to make further improvements in the present system either by amending the prevailing Act or by introducing a new one. In pursuance of the above decisions, the Panchayati Raj Bill and the Municipalities Bills

[Dr. Rajendra Kumari Bajpai]

were introduced. A threadware discussion on these Bills took place in the House. During the course of the above discussion the question of providing reservation to the members of Scheduled Castes and Scheduled Tribes and protection to women was also raised. It was felt at that time that providing reservation and protection is not enough. It should also be ensured that atrocities being committed should be stopped and for that purpose the law should be made more stringent. On the one hand a sense of leadership and self-confidence is being infused in them by providing them reservation and representation in various fields. But the age old prejudices against them are not going to end so soon. This is the reason that even after enacting laws after laws from time to time, we find that atrocities continue to be committed on them. What could be a solution to this problem? This aspect was taken into account seriously and as a sequel to that this Bill was introduced after giving due thought to the matter. You are aware that the 20 point programme was also introduced in view of the above aspect. After going deep into the problem, it was revealed that their poor economic condition is the main reason behind these atrocities. It was, accordingly, felt that their economic condition should be improved and they should be lifted above the poverty line. The 20 point programme was specifically aimed at the people who were living below the poverty line, a majority of which were Harijans and Adivasis. All these programmes viz. the N.R.E.P, R.L.E.G.P. were merged into one programme and a new scheme named Jawahar Rozgar Yojana was launched. More funds have been provided to this scheme and sphere of its activities has been widened. Even then there is a need to instill confidence among the people involved in this scheme so that the works could be managed smoothly and its benefits made available to the poor. The Bill that is going to be passed by the House is a good step in this direction. I am hopeful that the Bill will be helpful in future also. I would like to draw the attention of the hon. Members to 3 to 4 points. We are incorporating a special provi-

sion in this Bill. The hon. Members have expressed their concern on this point and a lot has been spoken in this regard. The point is that the police officers refuse to register the E.I.R. There are also instances in which atrocities were committed by the police or through the police and villagers were harassed in the police stations. We have made clear provisions in this regard in the Bill. Responsibilities of these people have been fixed and I am of the view that it is a very strong measure which will definitely reduce atrocities. When the Act will be circulated to all concerned all the officials, whether they are in the police force or in the general administrations, will come to understand their responsibilities. Clause 4 of the Bill very categorically states "punishment for neglect of duty" and it is a very strict provision. The hon. Members have suggested only dismissal, but we have gone a step further and provided that:-

[English]

"Whoever being a public servant but not being a member of Scheduled Caste or Scheduled Tribe wilfully neglects his duties require to be performed by him under the Act shall be punishable with imprisonment".

[Translation]

That is why we did not think that punishment or suspension would be enough. We did not think that their dismissal from service would be enough. Rather we have provided to imprison them:-

[English]

"for a term which shall not be less than six months which may extended to one year."

[Translation]

Government servants who will deliberately commit atrocities on Harijans and Adivasis and wilfully neglect their duties will be put behind the bars. In this connection hon. Member, Shri Syed Shahabuddin has made

a suggestion in the following words:

[English]

"Whoever being a public servant but not being a member of Scheduled Caste or Scheduled Tribe".

[Translation]

In this connection I would like to advise him not to use the words "not being a member of Scheduled Castes and Scheduled Tribes". The sentiments behind the objectives of this Bill is to check effectively the evil customs prevailing in our society for centuries, especially in the Hindu society which has not yet got out of the feelings of untouchability and caste considerations and the upper caste still oppress the lower castes. That is why we have categorically stated in the Bill the term other than the officers belonging to Scheduled Castes and scheduled tribes. The point which needs to be noted here is that we have fixed the responsibility on the officers other than those who belongs Scheduled Castes and Scheduled Tribes irrespective of whether belonging to the State or the Central Government. If he deliberately misbehave with the members of Scheduled Castes and Scheduled Tribes, he will be liable to action. Now maintenance of law and order comes under the State Government. Suppose that a Harijan colony is set on fire, any Harijan is killed, incidents of this nature happens, any atrocity is committed on him or some Harijan women is raped, the affected person can report the matter to the police station. If the station House Officers does not register the report, he cannot escape action, once this Bill comes into force. The effective implementation of this Bill depends on the co-operation of all hon. Members and the society in general. A number of provisions have been made in Chapter 5, Miscellaneous of the Bill. Page 9 of the Bill says:-

[English]

"The Central Government shall take such steps as may be necessary to coordinate the measures taken by the State

Governments under sub-section (1)"

"The Central Government shall every year place on the Table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this Section."

[Translation]

Along with this, we shall also see that the Central Government monitors it because we do not want to treat this matter causally. This is a provision for stringent punishment and also for its monitoring.

SHRI RAM RATAN RAM (Hajipur): Mr. Chairman Sir, with your permission I want to seek a clarification.

MR. CHAIRMAN: Not now. Let the hon. Minister finish with her speech.

DR. RAJENDRA KUMARI BAJPAI: Hon. Shri Ram Ratan Ram had raised a question about atrocities by the police officers. My reply is in that context only. He also raised the point of externment proceedings. Section 10 of this Act clarifies this point. An hon. Member asked whether the concerned person will leave the area or not. This is a Special Court's order which must be obeyed. When he returns he would be arrested. It is not that he will just keep roaming around. The laws of the land have to be obeyed. One cannot violate the laws as he pleases. So these provisions have been given. You may please read Section 10 and 11. Anyone who does not comply with the externment order shall be arrested and put in police custody. This has also been clearly stated. Another thing that must be paid attention to is that for the first time some specific atrocities have been defined and enlisted. About offences and atrocities, hon. Shri Vir Sen said that 15 atrocities have been enlisted but there can be many more. But I would like to say that whenever a Bill is framed, it is based on facts that are obvious and most commonly known. The list of atrocities given in the Bill has been compiled from various sources such as

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questions raised by hon Members in the last four years, meetings with hon Members of Parliament and Reports of the Consultative Committees. Other important points that concern atrocities are that any atrocity against women, Harijan women in particular, and cases of Harijans being burnt alive are to be considered as heinous crimes. Hon Members' attention is particularly drawn towards the provision seeking increase in punishment. As has been stated in 3 (2) (v)

[English]

"Commits any offence under the Indian Penal Code punishable with imprisonment for term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member shall be punishable with imprisonment for life and with fine."

[Translation]

So we have made it stringent. Along with this, Clause 3 (2) (iv) says-

[English]

"Commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe shall be punishable with imprisonment for life and with fine."

[Translation]

This has been made so strict because the P C R Act provided for a mild punishment only ranging from a month and above. The law was also partly implemented. This new law will helpfully create an atmosphere that would discourage atrocities against Harijans

I know that hon Shri Ganga Ram and hon Shri Shahabuddin have spoken of a summary trial for the offenders. Special Courts have been set up so that a speedy trial can take place and this Act also provides for a Special Public Prosecutor for expediting the case. Another thing mentioned by hon. Shri Shahabuddin is that Scheduled Castes and Scheduled Tribes

[English]

" should be given due representation in all branches of the law and order machinery "

[Translation]

As you know we are taking the necessary steps. The Hon Prime Minister has discussed it in the M P's meeting that for general reservation for Scheduled Castes and Scheduled Tribes, the candidates who are not found up to the mark should be given a chance for 3 years. After that the post should be dereserved and thrown open to candidates from the general category. But dereservation has been done away with in the latest policy. The hon Prime Minister has taken this special decision. The Department of Personnel has directed the Central Government, States and all departments to fill up the backlog which comes to nearly 45,000 posts even after dereservation. A recruitment drive has been launched from 1st June to 31st August. For this purpose, I visited many places with hon Shri Chidambaram to see how this backlog could be filled up. The Chairman of the Staff Selection Commission, public sector executives and employment exchanges are working towards this end. For the convenience of candidates it has been decided to accept applications even if they merely give the registration numbers of employment exchanges. If any names are sent in late by the employment exchanges, we shall accept them also. Employment exchanges have been directed to deal with any problem in job reservations for Scheduled Castes and Scheduled Tribes. Discontentment among them is quite justified because officials have deliberately done

little to fill the reserved quota. Hence the need for this special effort.

It is true that when people belonging to the Scheduled Castes and Scheduled Tribes go to the Police station they are browbeaten by the police. This is a wrong approach on the part of the police. But we have to see how the existing system can be changed and how we can do an approach re-orientation of the police services. The police comes in contact with the masses, many among whom are illiterate. In their dealings with such people, they have to be considerate. All this is necessary in the broader perspective of social change.

I am in total agreement with hon. Shri Shahabuddin that there should not be any scope for political considerations in this matter. All political parties should rise above political considerations and lend their support in our effort to root out his malaise from the society.

On reading this Bill, hon. Members will find that all specific suggestions given by them have been included in one or the other Clause. It is one of the suggestions of Shri Digvijaya Singh not to consider dumping of things like agricultural wastes in the neighbourhood of harijans as an offence. But it has been provided in Chapter 2, clause 3 (1) and (11) of the Bill that...

[English]

"acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood".

The idea is to prevent persons from throwing things like human excreta, carcasses, etc., in his premises.

[Translation]

It has been referred to those people who deliberately dump obnoxious substances

near the houses of Harijans to annoy them. Why does these substances are not dumped at other places in the villages and why only the neighbourhood of the jhuggi-jhonpries of the poor harijans, and not near the residences of influential persons? In view of the I do not agree with the suggestion of the hon'ble Member.

Some other suggestions given by the hon. Members are beyond the scope of this Bill. As far as schedule 5 and 6 concerned, I would like to inform Shri Pradhani that every law enacted in the country is applicable to the entire country whether any State falls under schedule 5 or 6 of the Constitution. We need not ask the Governors to enforce any law passed by the centre in any State. Jurisdiction of law is entire length and breadth of the country.

Shri Rajhans pointed out that earlier Acts have not been enforced effectively which is true to some extent but that is why the necessity of introducing the present Bill has been felt. Had they been proved effective enough, then there was no need to introduce the present Bill.

As far as provision of water is concerned, the Government has recently decided to launch special programmes to provide drinking water to 10,000 villages, especially where there is acute shortage of water. The Government is aware of the difficulties faced by the public especially the harijans. It is the endeavour of the Government to develop harijan colonies and work has already been started in this direction.

Other issues raised by the hon'ble Members do not come under the purview of this Bill. Therefore I do not want to comment on them at present. The suggestion of Dr. Rajhans to flash the photographs of the guilty on TV has got to be examined as to what can be done in this respect.

With these words I thank the hon. Members for participating in the discussion on the Bill and move it for the clause by clause consideration.

[English]

MR. CHAIRMAN: The question is:

"That the Bill to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted*

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted*

*Clause 2 was added to the Bill*

**Clause 3—Punishment for Offences of Atrocities**

SHRI SYED SHAHABUDDIN: I beg to move:

Page 2, lines 19 and 20,

*omit* ", not being a member of a Scheduled Caste or a Scheduled Tribe"—(7)

Page 3, lines 32 and 33,—

*omit* ", not being a member of a Scheduled Caste or a Scheduled Tribe"—(8)

Mr. Chairman, two of my amendments relate to this clause 3 (1) sub-clauses (i) and (ii). From a simple reading of this provision in the beginning, it appears that if the perpetrator of the atrocity happens to be a person, who is a member of the Scheduled Caste or Scheduled Tribe, he, of course, is to be forgiven. That is the plain meaning of this clause that doer has to be a person other than a member of the Scheduled Caste and

Scheduled Tribe. Conversely speaking, if he happens to be a member of the Scheduled Caste or Scheduled Tribe, then, of course, he is exempt from the preview of the law. He is free to commit any atrocity. He is free to commit any offence—everything that comes thereafter. I think, that surely is not the intention of the Government or of the hon. Minister. I think, it has to be that any person, whoever he might be, whether he is a member of a Scheduled Caste or a Scheduled Tribe or otherwise—who commits the offences, that have been described in the sub-clauses (1) and (2), is equally responsible. And by mere declaration that he is a member of the group against whom the atrocity has been committed, he cannot go outside the ambit of the law. Therefore, my humble submission to the hon. Minister is that at least from these two clauses, this qualifying sub-clause should be removed. It should simply say:

"Whoever forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;" etc. So, my amendment is that this particular qualification should be dropped and omitted.

DR. RAJENDRA KUMARIBAJPAI: The whole purpose of the Bill is to focus on atrocities committed by persons other than the Scheduled Castes and Scheduled Tribes on members of Scheduled Castes and Scheduled Tribes. Such atrocities are perpetrated by a group against another. The amendment proposed would have the effect of bringing in its purview any such act committed by a member of Scheduled Caste or Scheduled Tribe upon another member of their group. Such cases can be dealt with under the ordinary law of the land and no special provision need be made. Ordinary law operates where any person commits any crime or any atrocity, i.e., from man to man the ordinary law of the land operates. But here in this Bill, we are considering one caste perpetrating atrocity on another, i.e. the general caste on the so-called upper caste of the society. We are bringing this Act against such ideals prevailing in the society. I am not accepting this amendment.

SHRI SYED SHAHABUDDIN: Sir, I am not convinced. It is a total misconception of the law and I think, in my view, it is also a violation of the Constitution.

MR. CHAIRMAN: I shall now put Amendments Nos. 7 and 8 to the vote of the House.

*Amendments Nos 7 and 8 were put and negatived.*

MR. CHAIRMAN: The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted*

*Clause 3 was added to the Bill*

*Clause 4—Punishment for neglect of duties*

SHRI SYED SHAHABUDDIN: I beg to move:

Page 4, lines 37 and 38,—

omit "but not being a member of a Scheduled Caste or a Scheduled Tribe," — (9)

Sir, regarding Amendment No. 9, I do not have to say anything in particular. It is exactly the same as what I have said before. I frankly press for my amendment. I am unable to understand the logic behind this provision at all. It is beyond my comprehension. The idea is to protect a certain set of people against the atrocities. Is it the conception of the Minister that the atrocities are not atrocities if they are committed by some member of the same group? It remains an atrocity. And there are cases in which members of the same group are used by the powers that be, by the vested interests, by the police officers, etc. to commit atrocities on their own people. And you are giving them a complete go-by and protection under this law. It is simply inconceivable to my mind.

DR. RAJENDRA KUMARI BAJPAI: Sir,

as I have explained, it is one caste committing atrocity on another.

MR. CHAIRMAN: I shall now put Amendment No. 9 to the vote of the House.

*Amendment No 9 was put and negatived*

MR. CHAIRMAN: The question is:

"That Clause 4 stand part of the Bill."

*The motion was adopted*

*Clause 4 was added to the Bill*

MR. CHAIRMAN: There is no amendment to clause 5 to 15.

The question is:

"That clause 5 to 15 stand part of the Bill"

*The motion was adopted*

*Clauses 5 to 15 were added to the Bill.*

*Clause 16—Power of State Government to impose collective fine*

SHRI SYED SHAHABUDDIN: I beg to move:

Page 7, line 38 and 39,—

for "and for all other matters connected therewith under this Act"

*substitute "to the extent of the compensation payable to the victims of the atrocities for loss of life, limb or property under this Act or the rules framed thereunder" —(10)*

I think, the whole House has welcomed the provision of the collective fine. My plea in moving this amendment is that the amount recovered as collective fine from that particular locality, where the atrocity has taken place, should be adequate to pay for the compensation payable to the victims of the

[Sh Syed Shahabuddin]

atrocities under the prescribed scale. The idea of the scale comes later where we speak of the compensation. But the basic idea is that the punitive fine should not be a token fine, a symbolic act. It should be adequately penal in its severity, so that even those elements of the society who have been looking the other way in that locality, but who are responsible morally for the atrocities for not having come forward to prevent them or for having allowed them to happen, they may not have taken part or committed atrocities, and yet they are morally and socially responsible, those persons must be penalised through this fine. Then only this idea of punitive fine would be effective; then only it would make sense and then only it will have effect on the evil-doers and the moral sense of the society as a whole shall be mobilized to combat such atrocities. That is why, I am pressing that we should be more forthright and say that the punitive fine shall go to the extent of total compensation payable for the atrocities under a prescribed scale.

DR RAJENDRA KUMARI BAJPAI  
Section 16 reads

"The provisions of section 10A of the Protection of Civil Rights Act 1955 shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act."

We have, therefore, made it more wider and it is not that the area is restricted. I do not agree with the hon. Member and do not accept the amendment.

MR CHAIRMAN I shall now put amendment No. 10 to the vote of the House.

*Amendment No. 10 was put and negatived.*

MR CHAIRMAN I shall now put Clause 16 to the vote of the House. The question is

"That Clause 16 stand part of the Bill."

*The motion was adopted.*

*Clause 16 was added to the Bill.*

MR CHAIRMAN There is no amendment to Clauses 17 to 20. The question is

"That Clauses 17 to 20 stand part of the Bill."

*The motion was adopted.*

*Clauses 17 to 20 were added to the Bill.*

**Clause 21—Duty of Government to ensure effective implementation of the Act**

SHRI SYED SHAHABUDDIN I beg to move

Page 9, line 7—

*add at the end—*

"to the extent of compensating them fully for the loss of or damage to their movable and immovable property, and for loss of life and physical injury in accordance with the prescribed scale,"  
—(11)

Page 9, line 20,—

*add at the end—*

"including due representation of the Scheduled Castes and the Scheduled Tribes in the administrative machinery so as to give the local administration a composite character." —(12)

Page 9,—

*after line 20, insert—*

"(viii) the prosecution of Government servants against whom there are *prima facie* charges of involvement in the commission and abetment of atrocities or of negligence in prevention of such atrocities." —(13)

Page 9 line 25,—

for "report on the" substitute—

"report on all cases of atrocities particularly those in which a human life was lost and on the remedial" —(14)

All these four amendments pertain to Clause 21. Sub-clause (3) speaks of a provision for the economic and social rehabilitation of the victims of atrocities. It is fine as far as it goes, but the general tendency is to give a grant-in-aid on an adhoc basis. Sometimes, the human life's value at Rs. 5000; sometimes, it is Rs. 10000 and sometimes it is Rs. 20000. I think, we have legal precedents in our country where the human life lost is valued in terms of the victims earning capacity, the age at which his life was cut short, the probability of life, the total earning that he could have, had he lived, all that should be available to the next of kin. That is why, just as in the case of either industrial accident or railway accident, some prescribed scale should be there. That is the burden of my amendment No. 11, where I say that it should compensate the victim fully for the loss of or damage to their movable and immovable property, and for loss of life and physical injury in accordance with the prescribed scale.

I did make a point earlier that as far as property is concerned, compensation should be adequate to substitute for the loss suffered. It should not merely be a token compensation.

With regard to the second amendment, the hon. Minister has also agreed that in some cases the local administration may not be fully sensitive to the situation of atrocities and that is why I have suggested in sub-Clause 7 that as far as the measures to be adopted to ensure the safety of the Scheduled Castes and Scheduled Tribes are concerned, they should include the provision that in the local administration, in the local administrative machinery, in that particular atrocity prone area, there shall be due representation of the likely victims.

Sir, it has happened in many instances that you fill up the cadre, you give them reservation and still that particular group is shunted away to non-essential duties. They are not put on the main line; they are not put in the 'thanas'. That is why it is essential that they they should be there in the locality, in the thana and they should be responsible for the administration of that area. Unless the administration of that atrocity prone area has got a composite character; has got due representation of the likely victims of the atrocities, that administration is not going to be just and fair. That is the burden of my amendment no. 12.

Amendment No. 13 relates to the Government servants. I have said that after (vii) this should be added. The hon. Minister has already emphasised that the Government servants who are found to be negligent and deficient in the performance of duty shall be punished. If that is there, then in that case there is no harm in adding this clause to reinforce that idea that the Government shall frame rules for the prosecution of Government servants against whom there are prima facie charges of involvement in the commission of atrocities and abetment of atrocities or of negligence in prevention of such atrocities.

Finally, Sir, I do welcome the idea that the Central Government proposes to place a Report before both the Houses of Parliament every year. But, Sir, the report is only about the measures taken by it. So, the report may be of a very general nature. I think the report must include as a matter of statutory obligation duty that wherever in a case of atrocity one or more human life have been lost, then in that case the number of those incidents and the action taken by the administration of the State Government shall be brought to light and shall be brought to the knowledge of the Parliament. That is the burden of my fourth amendment.

I do beg of the hon. Minister that she should accept these four amendments.

DR. RAJENDRA KUMARIBAJPAI: Sir, the amendments moved by the hon. Member are on Clause 21 and I would like to read them one by one. Then I would like to say that we are going to frame the rule. Broader guidelines are here. We are going to frame the rule and that will strengthen what we have stated here.

SHRISYED SHAHABUDDIN: I shall be satisfied if she says that in the rules they will be taken care of.

DR. RAJENDRA KUMARIBAJPAI: Yes, we will take care of it and that will strengthen our intention. As we are going to make it a more successful law, I would request him to withdraw his amendments.

SHRI SYED SHAHABUDDIN: On the assurance of the hon. Minister, I withdraw all the amendments.

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS: Yes.

*Amendment Nos 11 to 14 were, by leave, withdrawn*

MR. CHAIRMAN: The question is:

"That Clause 21 stand part of the Bill."

*The motion 21 was adopted*

*Clause 21 was added to the Bill*

MR. CHAIRMAN: There is no amendment to clauses 22 and 23. The question is:

"That clause 22 and 23 stand part of the Bill"

*The motion was adopted*

*Clause 22 and 23 were added to the Bill.*

MR. CHAIRMAN: The question is:

"That clause 1, Enacting Formula and the Long Title stand part of the Bill"

*The motion was adopted*

*Clause 1, Enacting Formula and the long Title were added to the Bill.*

DR. RAJENDRA KUMARI BAJPAI: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

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MR. CHAIRMAN: Now we will go to the next item.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETROCHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): If the House agrees, we would like to take up item No. 10 first. Then it can be followed by item No. 9 and item No. 10A.

MR. CHAIRMAN: Instead of Item No. 9, you want to take up Item No. 10 first. Do the hon. Members agree?

SEVERAL HON. MEMBERS: We agree.

MR. CHAIRMAN: It is agreed to. We can take up Item No. 10 first.

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